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BOOKS RECEIVED

- ALGAZEL'S METAPHYSICS, Mediaeval Translation, edited by the Rev. J. T. Muckle, C.B.S. (St. Michael's College, Toronto, Canada. pp. xix. and 245.)
- LE SURNATUREL EN NOUS ET LE PECHE ORIGINEL, par A. Verrielle. (Bloud & Gay, Paris. pp. 248. 12 francs.)
- LE DONNE REVELE ET LA THEOLOGIE, par le Rev. A. Gardeil, O.P. Préface par le R.P. Chenu, O.P. (Les Editions du Cerf, Juvisy, Seine-et-Oise. pp. xxxv. and 372. 20 francs.)
- ECRITS SPIRITUELS. I.: Conférences, par le Rev. Léonce de Grandmaison. (Beauchesne, Paris. pp. xvi. and 320. 20 francs.)
- DEL MIRACOLO, Sua Natura, Sue Leggi, Sue Relazioni con l'Ordine Sopran-naturale. Trattato Filosofico-Teologico per S.E. il Cardinale Alessio E. M. Lepicier. (Societa Anonima Tipografica, Vicenza. pp. 614. 24 lire.)
- THE END OF OUR TIME, together with an essay on the General Line of Soviet Philosophy, by Nicholas Berdyaev. (London: Sheed & Ward. pp. 258. 6s.)
- SOME PRACTICAL NOTES FOR CATHOLICS VISITING ROME, by the Rev. H. A. C. Connell, M.A. (B. F. Laslett & Co., 4, Fulham Road, South Kensington, London, S.W.3. pp. 67. 2s.)
- LIFE BEYOND DEATH IN THE BELIEFS OF MANKIND, by James Thayer Addison. (London: Allen & Unwin. pp. 309. 8s. 6d.)
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- CONVERSIONS TO THE CATHOLIC CHURCH, A Symposium compiled by Maurice Leahy, with an Introduction by the Rev. Martin D'Arcy, S.J. (London: Burns Oates & Washbourne. pp. xxiv. and 127. 5s.)
- LES NORMES DE L'ENSEIGNEMENT CHRETIEN dans la Littérature Patristique des trois premiers siècles, par le R.P. Damien Van Den Eynde, O.F.M. (Gabalda, 90, rue Bonaparte, Paris. pp. xxviii and 360. 50 francs.)
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- MYSTICAL FLOWERS FROM CALVARY, Maxims from the Writings of St. Paul of the Cross, Founder of the Congregation of the Holy Passion, Selected and arranged by the Rev. Padre Pacifico, of the same Congregation. Translated from the Spanish by T. M. L. Fraser. (London: Washbourne & Bogan. pp. 138. 3s. 6d.)
- THE ART OF LIVING WITH GOD, by His Excellency the Most Rev. Joseph F. Busch, D.D., Bishop of St. Cloud. (London: Washbourne & Bogan. pp. 219. 3s. 6d.)
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- JESUS AS BOY AND YOUTH IN CHRISTIAN EDUCATION, by the Rev. Mario Barbera, S.J.; NAZARETH, translated and adapted by the Rev. Maurice Meschler, S.J.; THE HIDDEN YEARS, excerpts from Faber. (The Boy Saviour Movement, New York City. pp. 24. 10 cents.)
- GOD AND THE ASTRONOMERS, containing the Warburton Lectures, 1931-1933, by William Ralph Inge, K.C.V.O., D.D., F.B.A., Dean of St. Paul's, London. (London: Longmans, Green & Co. pp. xiii. and 308. 12s. 6d.)
- WAYS AND CROSSWAYS, by Paul Claudel. Translated by the Rev. Fr. John O'Connor, with the collaboration of the author. (London: Sheed & Ward. pp. viii. and 260. 7s. 6d.)
- THE SPIRIT OF ST. JANE FRANCES DE CHANTAL, as shown by her Letters. Translated by the Sisters of the Visitation, Harrow-on-the-Hill. With a Preface by His Eminence Cardinal Bourne, Archbishop of Westminster. Illustrated. (London: Longmans, Green & Co. pp. xvi. and 466. 7s. 6d.)
- SISTER MARY OF ST. PHILIP (Frances Mary Lescher), 1825-1904, by a Sister of Notre Dame. With an Introduction by His Grace the Archbishop of Liverpool. Illustrated. (London: Longmans, Green & Co. pp. xv. and 342. 7s. 6d.)
- THE PRINCIPLES OF LOGIC, An Introductory Survey, by C. A. Mace, M.A. (London: Longmans, Green & Co. pp. xiii. and 388. 12s. 6d.)

THE CATHOLIC MEDICAL GUARDIAN

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the De Rudder Case. (2) Some Medico-Moral Problems in the Light of Catholic Teaching. By Fr. Henry Day S.J. (3) Honesty and Justly in Panel Practice. By J. McCormack, L.R.C.S.I., L.A.H., Dub. (4) The Medical Aspect of Contraception. By P. G. Dooley, M.B., B.Ch., B.A.O., N.U.I.

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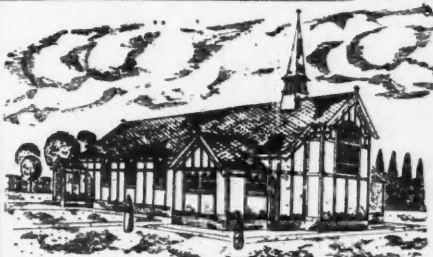
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THE CLERGY REVIEW

FEB 7 - 1940

A RUSSIAN PROPHET OF COMMUNISM

BY COUNT BENNINGSEN.

IN his two essays on the Russian Revolution¹ Mr. Berdyaev explains the religious aspect of Russian Communism. He traces the various sources contributing to form the ideology of Soviet Communism—the Jewish messianic idea transformed by Marx into the messianic idea of the Proletariat, the mediæval Russian conception of Moscow as the “Third Rome,” the Old Believers’ idea of the triumph of the “True Religion” concealed as yet from the pagan world, and last, if not least, the Nihilists’ humanitarian idea of a religion without suffering, and therefore without God Who tolerates the suffering of innocent people. In his survey of the development of these ideas throughout Russian history and literature Berdyaev acknowledges that no one has had so clear an insight into the psychology and logic of Russian Socialism than Dostoevsky.²

By an uncanny prophetic intuition in his *Possessed* Dostoevsky gives a terrifying vision of a realization of the Socialist theories of his time, and now, that in the Communist State of Russia we see those dreams of Dostoevsky’s heroes come to life, we wonder whether the “possessed” did not play the part of a text-book for the Soviet rulers. The abolition of religion and of the family are now facts, as well as many other details of programmes debated at the socialist meetings of Dostoevsky’s time.³ The system of terrorism, outlined in the *Possessed*, has become a normal means of governing the country. The final picture of a perfect socialist State is depicted by Dostoevsky in two striking passages. One is from the *Possessed*, where the crazy theoretical Shigalev develops his scheme.⁴ He starts with the idea

¹ *Essays in Order*, No. 6, Sheed & Ward.

² *Ibid.*, p. 10.

³ See translation by Constance Garnet, Dent, 1931, Vol. I, p. 17.

⁴ *Ibid.*, Vol. II, pp. 55-56, 69-70.

of absolute freedom, and is somewhat surprised to find himself led to the necessity of unlimited despotism. In his scheme the rulers form one-tenth of the population. They are free, and possess unrestricted power over the remaining nine-tenths. These are denied any rights whatever. They are but a herd of cattle, without any personality, slaves equal in their slavery. No talents are to be tolerated amongst them: those who may develop any are to be banished or destroyed. Education creates inequality, it is therefore swept away. The family creates the desire of property—it is abolished. Even tedium is prohibited as an "aristocratic" feeling. The herd must be a contented one, leading an animal life in an earthly paradise in absolute obedience to its rulers. In the *Brothers Karamazoff*, written some years later, this picture is completed by the *Legend of the Grand Inquisitor*.⁵ This precursor of modern socialists declares that occasionally sin will be permitted to the down-trodden crowd of weaklings: "We shall tell them that each sin of theirs will be redeemed if committed with our sanction, and will allow them to sin because we love them, and for this reason we take upon ourselves the punishment for their sins. We will allow or forbid them to live with their wives and mistresses, to have or not to have children, all this according to the degree of their docility." And the Inquisitor adds that "All will be happy. . . . In peace they shall die . . . and will find nothing beyond the grave. . . . For, if there were anything in another world, it would certainly be not for such as they."

This "ideal" state of society has not come to existence as yet, but who would now question the fact that a denial to men of any supernatural life, a proclamation of the omnipotence of the State, and a conception of morality as a mere question of expediency would not transform human society into the herd of obedient beasts depicted by Dostoevsky?

The great writer, however, was not satisfied by only picturing this new state of society. He outlined a philosophy which justifies atheism, and expressed it in

⁵ See the translation of the *Brothers Karamazoff*, by Mrs. Garnet; or the separate translation of the *Legend*, by S. Kotliansky, with D. H. Lawrence's foreword, E. Mathews & Marrot, 1930.

the same *Legend of the Grand Inquisitor*. More than any other Russian writer Dostoevsky was full of baffling contradictions. A devout Christian he yet acknowledged in a letter to a friend to have been unable to settle for himself the question of the existence of God! This duality, consisting in a conflicting combination of belief and unbelief, is perhaps not typically Russian. Few men have not experienced more or less acutely periods of doubt and unbelief, yet it would seem that a Russian may possess both at the same time. As Berdyaev remarks: "Anti-religious psychology in the Russian people often bears traces of a religious faith that has not disappeared,"⁶ and he recalls the story of a Russian peasant, given in Dostoevsky's *Diaries* (1873), who, whilst committing the sacrilege of shooting at the Consecrated Bread, continue to believe in the Real Presence! This duality in the writer himself enabled him to present his arguments for both sides with such power. As another Russian remarked, the *Grand Inquisitor* voices the thoughts of the author who, in his turn, is inspired by the Evil Spirit.⁷

The narrator of the story, Ivan Karamazoff, one of the heroes of the novel of the same name, is haunted by the terrible amount of suffering in the world. This suffering, which is identified by the author with evil, forms the basis of all atheistic philosophy. Ivan cannot reconcile the idea of a loving God, full of compassion to men, with a suffering mankind, and a just God with unpunished crime. He fails to grasp the higher meaning of suffering, denies the fall of man, and considers suffering an injustice which has to be avenged in this world. He wants men to be happy in this life, and out of sheer love for mankind rejects God as Creator of an evil world. In order to express his thoughts Ivan Karamazoff tells his younger brother, the novice Alyosha, the "Legend of the Grand Inquisitor."

Dostoevsky was as bitter an enemy of the Catholic Church as he was of Socialism. He never understood the former, and never saw in her anything except the outward authority which to his prejudiced mind was the only guarantee of unity. Therefore, his Grand Inquisitor, purporting to represent one of the princes of the Church,

⁶ *Op. cit.*, p. 47.

⁷ V. Rozanov, *The Legend of the Gr. Inquisitor*, p. 145 (Russian).

would be an abominable caricature, were he to be taken as such.

The scene is laid in the fifteenth century in Spain. In pity for His poor, bewildered people Christ returns to earth. He is recognized at once, and though His lips have not yet uttered a single word, the crowd follows Him. As fifteen centuries earlier the sick are brought to be healed by His touch, again, like then, He brings back to life the body of a little girl. But a very aged man in a shabby religious habit passes by. He, too, recognizes the Lord, and orders Him to be arrested, whilst the crowd, trembling before him, the Grand Inquisitor, is cowed, and dares not interfere on behalf of Christ.

At night, in the dungeon, the Inquisitor confronts Jesus Who remains silent throughout the scene. In a celebrated monologue the Inquisitor reproaches Our Lord for His mistaken judgment of man. By nature the latter is incapable of using his freedom for a good purpose, and a religion which intends him to be free in his choice of good and evil does not answer the needs of human nature. The Inquisitor recalls the three temptations by the "mighty and wise Spirit, the Spirit of self-annihilation and non-being," these three questions which compress into a few words "the whole future history of the world and mankind." He reproaches Christ for having rejected Satan's offers, and confides to Him that they, the leaders, have accepted these offers for love of man. They "amended" the teaching of Christ. Christianity had set up an ideal far above the average man: only saints and heroes could hope to attain it. The masses are indocile, weak and corrupt. They require three things: *Bread*, which they expect to receive by way of a miracle; *Mystery*, or the feeling of the miraculous; and *Authority*—someone to obey and worship. Satan offered Christ to change stones into bread—had He consented to do it, the human herd, grateful and obedient, would have followed Him, ever trembling lest He withdrew His hand, and deprived them of their sustenance. Proudly He rejected this temptation. He refused to conquer men by so easy a means as a miracle, and the Inquisitor blames Him.

There is a great misunderstanding between the children of the world and the children of Light. Our Lord wills men to be free and come to Him by their free, unfettered

will. He never promised them material bread, but His supernatural Bread, the Bread of Life, His Body. Yet men hungered so much for earthly bread that they overlooked the fact that this earthly bread is given *in addition* to heavenly bread, in order than men should live. So it was in the early Christian communities when "neither did any one say that aught of the things which he possessed was his own, but all things were common unto them," and "neither was there any one needy among them." The needs of these true Christians were satisfied, they had their material bread in addition to the heavenly Bread received in exchange of their free choice. However, men soon forgot that earthly bread is not the primary thing. D. H. Lawrence^{*} saw life in the earthly bread whilst it is grown and reaped. But quite rightly he understood that the same bread when *stored* becomes a commodity, riches. The masses are blind—they see no difference between the earthly bread and the Bread of Life, and when their leaders take charge of the bread produced by their own labour in order to redistribute it amongst them, they mistake this for a miracle, and bow down and worship those who accomplished that which they were unable to accomplish themselves. This is the miracle of Socialism, the miracle of equal distribution promised by socialists, and which the Inquisitor claims to have achieved . . . in the name of Christ. Lawrence is right to say that even Christians deceive the poor by giving them earthly bread only. He thinks that many good Christians fondly imagine that all they have to do is to distribute material good to the poor in the shape of decent houses, good sanitation, etc., and that in itself this constitutes the heavenly bread. Lawrence perceives that in reality this is but the loss of heavenly Bread, and sees in benevolence a form of . . . hatred.

The Inquisitor declares that "they," the leaders, having accepted the offers made by the "mighty and wise Spirit" to Christ, stones become bread in their hands, bread which they distribute to men in exchange for that freedom which is an irksome yoke laid upon them. They have enshrined themselves in mystery, for after bread man craves for mystery, and established a firm authority. The "mystery" of the Grand Inquisitor

^{*} In his foreword to Kotliansky's translation of the *Legend*.

and of all those who are with him—humanitarians, socialists, all those who work for the establishment of an earthly paradise by human means, is obvious: they are not with Christ, but with *him*—the Evil Spirit. The Inquisitor claims that they have gathered together the dispersed flock, and beasts that this work of his will survive.

As we have said above Dostoevsky ignored all of the Catholic Church, blindly hating her without knowing what she stands for. He witnessed from the outside her wonderful unity, imagining that it was obtained merely by compulsion, threats and untruth. Yet as early as 1871 he realized that only two world forces were able to claim universal obedience: Socialism and the Church. Again and again, in his novels and diaries, he returns to the same thought of an impending understanding between the rulers of the Church Catholic and the leaders of Socialism, the former betraying Christ in order to achieve world domination. The great writer becomes tedious when again and again this subject recurs under his pen. Socialism appeared to him as a logical outcome of Catholicism, as he imagined it, the attempt to achieve universal unity by temporal means. He perceived only a compulsory unity of men, an idea existing in ancient Rome, and preserved, according to Dostoevsky, in the Church maintained by the same despotism, materialism (?) and formalism which his warped imagination saw in the Church. Naturally he advocated a union between Russia, the leader of all Orthodox countries, and Germany, the great Protestant country, where at the time Bismark was bitterly fighting both the Catholic Church and Socialism.

Half a century has brought many changes. German Protestantism is dying an inglorious death, having surrendered all its positions to atheism. Russia, the Orthodox country *par excellence*, is now the stronghold of militant Communism. Dostoevsky's messianic dreams of a providential part to be played by his country are shattered. But the two powers stand now facing each other in the field for the final struggle. Preliminary skirmishes have taken place already in Russia, Mexico, Spain. Yet the main forces have not yet been thrown into the affray. Is this struggle inevitable? Were Socialism to abandon its materialist creed and discontinue its attacks on the Church, would a "Christian

Socialism " be possible? Some people, some Catholics even, believe such an alternative possible, and feverishly work for a transformation of Socialism into Catholic social action. Their mistake has been dispelled by the numerous pronouncements of the Church, the most explicit being the Encyclical *Quadragesimo Anno*. The reason why Socialism cannot be brought into harmony with the dogmas of the Catholic Church is that Socialism conceives human society in a way utterly alien to Christian truth. According to the Holy Father (*Letter to Cardinal Pompili*), Socialism, rejecting supernatural life and the existence of Free Will in men, is "the ruin of intelligence and even of human nature." The Church, on the contrary, urges and compels men to use their natural faculties, their intelligence and free will, to their full capacity, and shows them the possibility of receiving by way of grace higher faculties of knowledge and charity.

From her altars the Church distributes the Bread of Life. Were men fully to realize what it is they receive, all social problems would, as in the primitive Christian community, find a natural and easy solution. But because we are only nominally Christians we now believe earthly bread to be the primary thing. We have forgotten that "stored bread" is property, and either handled as such or in its equivalents—money, may be easily transformed into stones by greed. Was it not by means of bread that Joseph obtained possession of all the land and cattle and horses and flocks, and enslaved the people of Egypt? Communists follow his example, and where earthly bread is thought to be the primary thing, their logic will always triumph.

The Church affirms the primacy of the Bread of Heaven. Equally she distributes it to all her children, rich and poor, dwellers of the cities or the countryside, free men or slaves. None are turned away from the Feast, unless they exclude themselves. But to receive this Bread worthily man must share its fruit with his neighbours, as he is also bound to share his excess of the earthly bread with those who have less. In this true Christian brotherhood, and not in mere regulation of production or consumption, as both capitalists and socialists assert, lies the salvation of our civilization.

CANON LAW IN MEDIÆVAL ENGLAND

BY RICHARD O'SULLIVAN.

THE story of the Canon Law in Mediæval England may be said to start with the arrival of Lanfranc, the lawyer of Pavia, who tells us that he brought with him from Bec a book or manuscript of the Canon Law.¹

During the period before the Conquest a close and confused union of Church and State had forbidden the development in England of a body of distinctively ecclesiastical law which would stand in contrast with, if not in opposition to, the ordinary law of the land. The Bishops, we are told, were mostly uneducated and secularized. Ecclesiastical synods were no longer held and ecclesiastical law had fallen into disuse. There was no separate ecclesiastical jurisdiction. A glimpse into the actual state of affairs is given in a letter which Lanfranc wrote to Bishop Herfast of Thetford adjuring him to give up dice and secular games and to read the Scriptures and especially to study the decrees of the Roman Pontiffs and the sacred canons.

William the Conqueror immediately concerned himself with the conduct of episcopal jurisdiction which (he says) has not been of a proper character in England "or in accordance with the precepts of the Holy Canon Law." He orders that "No bishop shall henceforth hold pleas (affecting episcopal jurisdiction) in the hundred court, nor shall they bring forward for the judgment of laymen any case which concerns spiritual jurisdiction but who-

¹ The manuscript has lately been identified in the library of Trinity College, Cambridge. See Zachariah Brooke: *The English Church and the Papacy*, Cambridge University Press, 1931. The early history of the Canon Law in Western Europe is magisterially told by Professors Fournier and Le Bras in their monumental work *Histoire des Collections Canoniques en Occident*, two volumes, Sirey, Paris, 1931 and 1932. This "remarkable work of outstanding value and importance" was fully noticed in the *CLERGY REVIEW* for February, 1933 (Vol. V, pp. 151-2), and is the occasion of a noteworthy article by Professor Powicke in the issue of *History*, dated April, 1933.

ever has been summoned for some suit or offence within the province of episcopal jurisdiction shall make answer in accordance with the canon law."

Now the Conquest took place just at the moment when in the general history of Europe new and mighty forces were coming into play. The classical Roman Law was being studied at Pavia and Canon Law was being developed at Bologna. "Une science nouvelle naquit indépendante et laïque, la science de la société civile telle que l'avait dégagé les Romains et qui pouvait passer pour la chef d'œuvre de la sagesse humaine. A côté du théologien se plaça le légiste qui avait comme lui ses principes et ses textes et qui lui disputa la direction des esprits avides de savoir." "Depuis le règne de Charlemagne on s'était habitué à regarder la plupart des peuples et des Etats de l'Europe comme unis entre eux par des liens communs malgré les différences qui les separaient: l'empire, la religion, le clergé, la langue latine, telles étaient ces liens: le droit romain vint s'y ajouter. Dès lors on ne le considéra plus comme le droit particulier des Romains ou comme la propriété exclusive d'un seul état, mais comme le droit commun de l'Europe chrétienne."²

The Conquest thus brought England into close touch with the main currents of the new intellectual life of Europe. The first waves of influence came with Lanfranc and Anselm from Pavia and Bec. In the twelfth century Theobald, Archbishop of Canterbury and sometime Abbot of Bec, introduced into England from Bologna one Vacarius, a master of Roman and of Canon Law who taught at Canterbury and, as some say, at Oxford. The fame of the new school at Bologna had gone forth to all the world. From every corner of Europe students flocked to Italy. It was, we are told, as if a new gospel had been given. Before the end of the twelfth century there were loud complaints in England and elsewhere that theology was neglected, that the liberal arts were despised, that Seius and Titius had driven Plato and Aristotle from the schools, that men would learn law and nothing but law.

Meantime, the Canon Law had grown into a mighty system. Hildebrand and his successors had insisted that

² Savigny: *History of Roman Law*, III, 68.

subject to inconsiderable variations the universal Church had a *jus commune* or Common Law. Many had endeavoured to state this Common Law of the universal Church, but the fame of earlier workers was eclipsed by that of Gratian, a monk of Bologna, who published about the year 1139-1140 the "*Concordia Discordantium Canonum*," which became for all mankind "*Decretum Gratiani*" or simply "*Decretum*." The *Decretum* of Gratian may be said to have done for Law what the *Sentences* of Peter Lombard did for Theology. The authorities used by Gratian are canons new and old, decretals new and old, passages from the fathers and the scriptures, principles of Roman Law. He collected the decretals down to the date of publication of the "*Decretum*" in 1139. Under the lawyer Popes, Alexander III and Innocent III, there was a further flow of decretals. So rapid was the flow that according to Von Schulte Gratian was already antiquated when in 1234 the decretals of Gregory IX were published. "*Der legislatorische Inhalt der Dekrets war zum grössten Teile bereits antiquirt als die Dekretalen Greg. IX erschienen.*" Englishmen like Alan and Gilbert and John of Wales, a contemporary of Stephen Langton at Paris, took part in the work of making compilations of the new decretals. All these compilations were set aside by the official collection of five books of decretals published by Gregory IX. The decretals of Gregory constitute as we should say a book or books of statute law. At the end of the thirteenth century, in the year 1298, Boniface VIII added a sixth book which came to be known as the *Sext*. A later collection called the Clementines was added in 1317. In 1500 the *Corpus Juris Canonici* was completed by a final collection, of an unofficial character, which was known as the *Extra-Vagantes*.

The reception and use in England of the *Decretum* and the *Decretals* is well attested. Matthew Paris refers, under date 1235, to the issue of the *Decretals* of Gregory. "*His quoque temporibus Gregorius Papa Nonus videns decretalium taediosam prolixitatem sub quodam compendio eas eleganter abbreviatas et collectas solenniter et authentice per totius mundi latitudinem legi praecepit et divulgari.*" And a MS. of the *Sext* at New College has an inscription showing that it was published by the Black Friars at Oxford on the 19th November, 1298,

that is to say, within a few months after its issue. The Decretum and the Decretals were in fact to be found in every mediæval library in England. In the time of Henry III the library at Reading contained five copies of Gratian. At Christ Church, Canterbury, towards the end of the thirteenth century there were ten or twelve copies of the Decretum and at least as many copies of the Decretals. At Bury St. Edmunds during a riot in 1327 the mob seized seven copies of the Decretum and ten copies of the Decretals.

The authority of Decretals, that is to say, decisions given by the Pope without reference to the Cardinals on questions proposed to him, are stated by Lyndwood, a leading English Canonist of the fifteenth century, to be equal to that of Decreta, that is, ordinances made by the Pope with the counsel of the Cardinals in cases where no question has been raised. He adds that Decretals are of equal authority with the canons of general councils. "*Parificantur etiam canonibus conciliorum.*"

It is noteworthy that out of some four hundred Decretals of Alexander III, which were included in the collection of Gregory IX, about 180 were directed to England: more than to any other country in Europe. The fact that at least one in three of Alexander's Decretals of permanent importance have English cases for their subject-matter is or ought to be (says Professor Maitland) one of the most prominent facts in the history of the English Church. It is not as if the putting of difficult questions was always encouraged by the Pope. Thus, the answer of Alexander III to a question proposed by Archbishop Richard of Canterbury, concerning the absolution of a certain litigant, opens with the cheerful words "*qua fronte.*" "*With what face dare you to consult us about questions of law which we can scarcely understand since *you* are said to be perverting the order of justice in matters that are plain and free from doubt.*" Another reply of the same Pope to an English correspondent concludes with the genial words: "*Ita quod nos propter hoc iterato tibi scribere non compellamur.*"

It is interesting also to observe that the tests exacted in England of persons suspected of Lollardy took the form of a declaration that every Christian was bound to obey all the constitutions and ordinances contained

in the Decretum, the Decretals, the Sext, the Clementines, in such wise as obedience is demanded for them from the Roman Church. And to the question: Under what law are heretics burnt in England? Lyndwood, the leading English canonist of the fifteenth century, answers in substance that certain constitutions of the Emperor Frederick II have been sanctioned by a Decretal contained in the Sext of Boniface VIII. The English Statute of 1401 authorized the burning of heretics and those only who "according to the canonical sanctions" ought to be relinquished to the secular arm. The canonical sanctions were to be found under the titles *De Hereticis* in the books of papal law.³

In the light of these facts it is almost incredible that a historian of the quality of the late Bishop Stubbs should have hazarded the statement little more than a generation ago that: "The great compilations (of Canon Law) were not received as having any authority in England." And that the report of the Ecclesiastical Courts Commission (in 1883) should have contained these words: "The Canon Law of Rome although always regarded of great authority in England was not held to be binding on the (English) Ecclesiastical Courts." This opinion, which was exploded by Maitland and has since been ridiculed by Professor H. W. C. Davis and by Professor Holdsworth, receives short shrift from Mr. Brooke in his recent work on the English Church and the Papacy. "There is not the slightest trace of a special collection of canons selected for the use of the English Church in any MS., in any mediæval library catalogue, in any contemporary writer. Such a collection [he continues] did not exist. The English Church was subject to the same laws, to all the same laws, that the rest of the Church obeyed."⁴

The Apostolic See has in fact and in law from the beginning been the hinge upon which the whole Church turns. "Roma est patria omnium . . . et dominus papa iudex est ordinarius singulorum." The Pope is the universal Ordinary. He is also the final Court of Appeal. From him is derived the jurisdiction of the

³ Pollock and Maitland: *H.E.L.*, Vol. II, pp. 546-7; Maitland: *Roman Canon Law*, pp. 176-7.

⁴ Brooke, *op. cit.*, pp. 99. Cf. p. 113.

Courts Christian that were set up at the Conquest in England in contrast to the secular courts. "Our Lord the Pope is pre-eminent in matters spiritual and under him are archbishops, bishops and other inferior prelates. Also in matters temporal there are emperors, kings and rulers in things relating to the kingdom."⁵

Ecclesiastical jurisdiction was exercised in England and elsewhere by archdeacon, bishop, archbishop, with a right of appeal to Rome. Apart from his appellate jurisdiction the Pope as universal Ordinary had an original or instance jurisdiction. It was common practice for a suitor to impetrate a writ from Rome and to have the action tried in England by a judge or judges delegate of the Pope. In the models Bracton gives of writs of prohibition to be used for the purpose of keeping Ecclesiastical Courts within proper bounds, he habitually assumes that the suit to be prohibited is being prosecuted under the authority of a papal rescript. The Cartularies of St. Frideswide show that each of the seventeen suits in which the priory was engaged between the years 1150 and 1240 was begun before papal commissioners.

The Courts Christian in Mediæval England had a wide jurisdiction not only over clergy, but also over lay folk. The Courts Christian had an exclusive cognisance of all matters of ecclesiastical economy, of ecclesiastical status, of the ordination and degradation of clerks, of the consecration of bishops, of all purely spiritual functions such as the mode of celebrating the mass and divine service, of the regulation of ecclesiastical bodies and corporations and the due administration of their revenues. At two points in the contest between Church and State the Church in England had been singularly successful:

(1) The Canonists had acquired an exclusive jurisdiction over testamentary causes and over the distribution of the goods of intestates.

(2) In England, the sentence of excommunication when pronounced by the Ecclesiastical Court was enforced by the secular power with mechanical regularity and almost as a matter of course. The excommunicate was disabled by law from suing in the temporal courts. In at least one instance the secular arm showed a similar disposition to act as a matter of course in the case of a

⁵ Bracton, f. 5.

person condemned for heresy. Before a court held at Oxford, about the year 1222, a deacon was found to have apostatized and turned Jew for the love of a Jewess. He was degraded by the bishop and forthwith (*statim*) delivered to the flames by the lay power. The representative of the lay power on this occasion was the notorious Fawkes de Bréauté who, we are told, was greatly grieved at the escape of the Jewess. Quoth Fawkes: "I am sorry that this fellow goes to hell alone."

At two other points in the contest for jurisdiction the Church had been singularly unsuccessful. Firstly, the *privilegium fori* was confined within unusually narrow bounds. Secondly, secular justice retained control over all suits touching ecclesiastical patronage.

In the quarrel about investitures the spiritual power had indeed succeeded in maintaining the rule that the "institution" of the clerk lies with the bishop, but the Crown had always insisted that the choice of the clerk lay with the owner of the land. The advowson—that is to say the right of next presentation to an ecclesiastical benefice—was in England outside the scope of a spiritual court. The advowson was temporal property. The laws of the Church and the Courts of the Church were not allowed to touch it. This fact lies at the base of all our legislation about provisors. In a case which appears in one of the year books of Henry IV it is significantly said that the Statue of Provisors was passed because spiritual patrons were in some sort disturbed, and dared not because of the Pope sue for their right in the king's court.

All matters concerning marriage and divorce (that is divorce *a mensa et thoro*) and legitimacy were also within the jurisdiction of the spiritual court. It is of capital importance to realize that before the Reformation England had no temporal law of marriage. At the opening of his fourth book which, following the classical order of the canon law, deals with Sponsalia, Lyndwood writes: "Here we might discuss what is marriage, whence it derives its name, how it is contracted, where it was instituted, what are the causes of its institution, what good flows from it and what impediments there are to it." And he adds: "Of all these matters Innocentius has treated, and yet more fully Johannes Andreae." In other words, to ascertain what is the

English law of marriage one is referred to the works of these two canonists, of whom one was "laicus et uxoratus," and the other of whom was Pope.⁶

It is of special interest also to observe that some of the leading principles of the Christian law of marriage had been defined by the Popes in cases where the parties were English. In a famous Decretal Alexander III writes thus to the Bishop of Norwich:—

"We understand from your letter that a certain man and woman at the command of their lord mutually received each other, no priest being present and no such ceremony being performed as the English Church is wont to employ, and then that before any physical union another man solemnly married the same woman and knew her. We answer that if the first man and woman received each other by mutual consent directed to time present saying the one to the other: 'I receive you as mine' (meum) and 'I receive you as mine' (meam) then, albeit there was no such ceremony as aforesaid, and albeit there was no carnal knowledge, the woman ought to be restored to the first man for after such consent she could not and ought not to marry another. If, however, there was no such consent by such words as aforesaid and no union preceded by a consent *de futuro*, then the woman must be left to the second man who subsequently received her and knew her and she must be absolved from the suit of the first man. But in case either of the parties shall have appealed, then unless an appeal is excluded by the terms of the commission you are to defer to that appeal."⁷

This Decretal shows plainly how complete was the authority that the Canon Law had in England in the time of Henry II. It also sums up in few words the current doctrine of free consent in the Canon Law of Marriage. On the one hand stands the bare consent *per verba de presenti*, unhallowed and unconsummated; on the other a solemn and consummated union. The

⁶ In fact, until the year 1857, judicial indissolubility was "a legal quality of every English marriage," per Lord Campbell in *Warrender v. Warrender*: cited with approval by the House of Lords in *Salvesin's case*, 1927, A.C. 661.

⁷ Pollock and Maitland, II, 371.

formless interchange of words prevails over the combined force of ecclesiastical ceremony and sex relation.⁸

Though the marriage by mere words (*per verba de presenti*) was a valid marriage it was not for all purposes on an equal footing with the marriage which had been consummated (*matrimonium ratum et consummatum*). In a discussion as to the limits of the power of the Pope Stephen Langton has an interesting passage relative to this matter. "We say that it is not known nor is it possible to define how far the Pope can go. For who would have dared to say before the time of Alexander III that a woman who had not consummated her marriage could transfer herself to the monastic life? Who would not have denied that the Lord Pope in the light of the saying in the Gospel 'Whomsoever God has joined together let no man put asunder' could give dispensation in a matter of this kind? But afterwards, when the decretal was issued, any man who had previously denied it would say that the Lord Pope could dispense."⁹

It is the fact that at the beginning of the thirteenth century Archbishop Hubert Walter, with a saving clause for the honour and the privilege of the Roman Church, published a constitution which declared that no marriage was to be celebrated until after a triple publication of the banns and that no persons were to be married save publicly in the face of the Church and in the presence of the parish priest. At the Lateran Council in 1215 Innocent III extended over the whole realm of Christendom the custom of publishing the banns of marriage calling upon all and singular to declare any cause or just impediment to the proposed union.

Before the Reformation then the Temporal Courts never pronounced on marriage. If the question

⁸ In the light of this decretal a common lawyer may be permitted with humility not unmixed with humour to recall that in the year 1843 it was solemnly decided by the Supreme Tribunal of the House of Lords that by the ecclesiastical and the common law of England the presence of an *ordained clergyman* was from the remotest period essential to the formation of a valid marriage. See the caustic comment of Maitland: *P. and M. History*, II, 373-4.

⁹ Powicke: *Stephen Langton*, p. 140.

"marriage or no marriage" became relevant incidentally to a proceeding before the King's Court it was referred for decision to the Ecclesiastical Court. Again, neither adultery nor bigamy nor incest was an offence against the temporal law. These matters also were handled and punished by the Ecclesiastical Court. The Roman rule that children born out of wedlock are legitimated by the subsequent marriage of their parents was definitely settled by a decision of Alexander III addressed to the Bishop of Exeter which is included in the Gregorian Collection. In so far as it related to the inheritance of land the rule was rejected by the barons and the royal judges at Merton, and the King's Courts maintained their position *in cases of inheritance of land* by submitting to a jury for decision as an issue of fact the question whether A was born before or after the marriage of his parents, rather than by referring to an ecclesiastical court as an issue of law the question whether A was the legitimate child of the same parents. The legitimacy of the offspring of putative marriages is dealt with by Bracton in a passage borrowed from the canonist Tancred. "If a woman in good faith marries a man who is already married believing him to be unmarried and has children by him such children will be adjudged legitimate."¹⁰

The Church Courts also claimed and exercised jurisdiction over the last will or testament. The tradition of this dual control by one tribunal over marriages and wills survives to-day in the allocation to the same division of the High Court of Justice of suits and matters touching Probate and Divorce. The Courts Christian dealt with the validity and interpretation of wills and supervised and controlled the action of the executor, or the administrator in cases of intestacy. Throughout the Middle Ages men attached great importance to the making of a will, for it was said that "to die intestate was to die unconfessed." The practice of making wills was encouraged by the canonists as one may gather from a decree of a Provincial Council held in London in the year 1342 which denounced the sentence of excommunication against those who should impede the free testation of "villeins and other persons of servile condition, or of women married or unmarried

¹⁰ Bracton, f. 63.

or of their own wives." Two years later, in 1344, the Commons complained in Parliament that the prelates had made a constitution sanctioning the testaments of wives and villeins and that this was against reason. The King made a politic answer promising that law and reason should be done.

The mediæval horror of intestacy is illustrated by the action of an Abbot of Bury who remitted and returned the offering of a horse out of the estate of a deceased man, saying: "it is not fit that our Church should be polluted by the gift of one who died intestate and who is commonly accused of habitually lending money at usury." Of an enemy of St. Albans (who was indeed no other than our old friend Fawkes de Bréauté) Matthew Paris wrote with a certain gusto that he was poisoned; and that having gone to bed after supper he was found "dead, black, stinking, and intestate."

In addition to these matters of marriages and wills the ecclesiastical courts exercised a wide and rather indefinite jurisdiction *pro salute animae* in cases of simony and usury and perjury, and also in cases of defamation for which no remedy was given by the King's Courts, though the matter seems to have been handled by the local courts as we gather from an amusing record which relates that an exchange of compliments between a man and a woman in which he called her the English for *meretrix* and she called him the English for *latro* resulted in law in a debt of one shilling, due to the man. Notwithstanding the opposition of the King's Courts and the issue of prohibitions directed to the ecclesiastical judges the Courts Christian were also used as a means of obtaining satisfaction of money claims. In such cases, William of Drogheda writes: "You should avoid all mention of money in your *libellus* or statement of claim—Ask only for *Canonica Justitia*, that the defendant be reduced to penance. Then since he will get absolution only on terms of making restitution, you will secure your object indirectly."¹¹

Reference has just been made to the King's Courts. In tracing the influence of the Canon Law in English history it is of supreme importance to bear in mind that for some centuries after the Conquest the judges who

¹¹ de Zulueta: *Mélanges Georges Cornil*, p. 649.

sat in the Curia Regis and in the Courts of Common Law were canon lawyers, and that until the eve of the Reformation canonists inhabited and controlled the Chancery.

A class of professional canonists is older than a class of men professedly expert in English temporal law. All the great names of our early law are churchmen and canon lawyers: Lanfranc and Hubert Walter (the author of the work that is called Glanvill) and Bracton and his masters Martin Patteshull and William Raleigh and the rest. Under the influence of these men the Curia Regis was organized and (let us hazard an opinion) it was organized along the lines and according to the pattern of the papal curia and the canon law. The regular jurisdiction of the King is directly compared by Bracton who, be it noted, had read and studied the Decretum, the Decretals, the Summa de Matrimonio and the Summa Decretalium, to the ordinary jurisdiction of the Pope: "Sicut dominus papa in spiritualibus super omnibus habet ordinariam jurisdictionem, ita habet Rex in regno suo ordinariam in temporalibus." All temporal jurisdiction is derived from the King. Again, the supreme judges of the royal court are *a latere regis*. "Item justitiariorum quidam sunt capitales, generales, *a latere regis* residentes qui omnium aliorum corrigere tenentur injurias et errores." In the English as in the papal procedure the first step is to "impetrate" a writ or "breve" which is called the "original." In fact, from the first beginnings of the English law down to the Reformation the issue of original writs in England ("the ground plan of our civil justice" in Maitland's phrase) was in the hands of the clerks of the Chancery who were always doctors or masters of the canon law. Moreover, the style of our writs is similar to the style of the papal rescripts of the same period. And the law that the royal judges administer is called (as is the general law of the Church) the *jus commune* or the common law. "The phrase *jus commune*," says Maitland, "is well known to the canonists. They use it to distinguish the general and ordinary law of the universal Church. From the ecclesiastical it was easy to pass to the temporal courts." Then, Glanvill tells us that the exceptions, or as we say "challenges," that can be made against jurors are the same as the exceptions which can be made against witnesses in the Courts Christian.

The elements of the science of pleading too can only be expressed in terms that are familiar to canonist and civilian. In either case we must begin (as Glanvill begins) by saying: "Of special pleas, some are dilatory and some are peremptory." It is patent indeed that the writer of our first law book—the treatise that is called Glanvill—was versed in the Roman and the Canon Law.¹² The opinion has been offered that his idea of what a law book should be like had been derived from one of the many manuals of romano-canonical procedure that were current at the time. "Let us" says Maitland, "let us conceive a man whose notion of law and the logic of law is that which is displayed in the *Leges Henrici I* coming upon a glossed version of the *Decretum* or still better upon some (canonical) *Summa* such as that attributed to William of Longchamp. His whole conception of what a law-book, of what a judgment should be, of how men should state law and should argue it must undergo a radical change. From this point of view the effect produced on English law by its contact with romano-canonical learnings seems immeasurable or measurable only by the distance that divides Glanvill's treatise from the *Leges Henrici*."¹³ The distance has been said elsewhere to be the distance between reason and unreason; between darkness and light. Reeves says that the work called Glanvill compared with the Anglo-Saxon laws is like the code of another nation, and Professor Holdsworth adds that the words are literally true.

Slowly but surely justice done in the King's name by clerks and canonists who are the King's servants becomes the most important kind of Justice, reaches to the most remote corners of the land, grasps the small affairs of small folk as well as the great affairs of great men. The justice that is done in all Courts, alike by the justices at Westminster and in Eyre and in the local courts, is done on equitable principles. One of the most characteristic features of early English law is the universal rule of equity. "The King's Court," says Professor Holdsworth, "is not fettered by precedents. It is both able and willing to act upon principles of

¹² See the new edition of *Glanvill* by Woodbine, Yale Univ. Press, 1932, e.g., at pp. 187-8; 216.

¹³ Pollock and Maitland, I, 134.

equity that *right* may be done and sometimes, notably in the case of mortgage, its procedure adopts the view ultimately taken by the Court of Chancery rather than that ultimately taken by the Courts of Common Law."

Under the influence of these equitable ideas the canonist judges invented and introduced in the year 1166 the Assize of Novel Disseisin which Bracton tells us was "*multis vigiliis excogitata*." The Assize of Novel Disseisin was the first of a series of possessory assizes. Now, a distinctly possessory assize is not native to the law of the English race. The Assize of Novel Disseisin was, in fact, an adaptation of the romano-canonist *Actio Spolii*: an application of the principle "*Spoliatus ante omnia restituendus*." The institution of this Assize is thought by Maitland to be the turning point in the history of English law. "If we must choose one moment of time as fatal we ought to choose 1166 rather than 1066, the year of Novel Disseisin rather than the year of Hastings. Then it was the decree went forth which gave to every man dispossessed of his freehold a remedy to be sought in a royal court."

Of scarcely less importance in the history of English law than the Assize of Novel Disseisin were the decrees of the Lateran Council in 1215. The Council forbade the procedure of Trial by Battle and forbade priests to take part in the Ordeal. It also forbade ecclesiastics any longer to appear as advocates in secular suits unless in causes in which they were themselves concerned or in the causes of the poor. The abolition of the Ordeal precipitated a crisis in the English Courts. A writ issued to the judges soon after the promulgation of the decree informs them that nothing had as yet been determined. It directs that those accused of great crimes and suspected should be imprisoned: that those whose crimes were heinous should abjure the realm: that those accused of small offences should be released if they would find securities to keep the peace. It concludes that "much must be left to the discretion of the justices." The crisis was in due course solved by the introduction and development of trial by Jury.¹⁴

The age that lies between 1154 and 1272 was, according

¹⁴ A practising lawyer may be permitted to add that trial by Jury inherits all the inscrutability of the earlier modes of trial by the Judgment of God.

to Maitland, the critical moment in English Legal History, and therefore "in the innermost history of our land and of our race." It was the moment when old custom was brought into contact with new science. The few men who were gathered at Westminster round Pateshull and Raleigh and Bracton—all of them Roman priests—were penning writs that would run in the King's name everywhere and in the name of kingless commonwealths beyond the seas.¹⁵

The withdrawal of the canonists from the King's Courts was followed by the rise of a class of temporal lawyers. The vigorous growth of the English law down to the end of the thirteenth century was largely due to the fact that the practitioners had gained a knowledge of legal principles and a capacity for legal expression from their training in the civil and the canon law. After the withdrawal of the clerics the canon law ceased directly to influence the development of the common law. The common lawyers became wholly ignorant of the fund of legal principles and material for legal speculation which were stored up in the writings of civilians and canonists. They ceased to care for broad principles and they ceased to speculate. The result was that in the fourteenth and fifteenth centuries the common law tended to become more and more technical and less and less rational. "We have no more the splendid plan, the orderly arrangement, the keen dilemmas, the sacerdotal spirit of Bracton's work." The common lawyers having no longer any knowledge of any system but their own became then what they have honourably continued to be, the most unlearned race of learned men: "*indoctissimum genus doctorum virorum.*"

The disappearance of the canonists from the King's Courts was marked by the decline of the equity they once administered. Though the process of decay of Equity in the Courts of Common Law was slow it was sure. The growing rigidity of the common law and the inadequacy of the relief which could be obtained from the King's Courts drove litigants into the Chancery, and when the Chancery acting on different principles (which were really the old principles of the Common Law) took over the administration of equity relief the equity

¹⁵ Pollock and Maitland, Vol. II, p. 672-674.

formerly administered by the common law courts completely ceased. In the later Middle Ages the common law judges themselves advised parties who had an equitable claim to apply to the Chancellor who, down to the time of the Reformation, continued to be a Churchman. To the canonist we owe not only the formulation of the English common law but also the inheritance of Equity.

It is easy to miss the full meaning and significance in Mediæval England of the Chancery and the Chancellor. The Chancery (which was peopled by canonists) was the great secretarial bureau: a Home Office, a Foreign Office, a Ministry of Justice. It was, in fact, the centre of the English legal system and the political centre of the Constitution. The Lord Chancellor was (ever since the discontinuance of the Office of Chief Justiciar) the highest in rank of the King's servants. He acted as Secretary of State for all departments, and was the Keeper of the Great Seal which was, in Mathew Paris's phrase, the key of the kingdom. Under him were numerous clerks, the highest among them corresponding to our Under-Secretaries of State. They were always ecclesiastics holding canonries and deaneries, men "skilful in the canon and the civil law," some of them "notaries of the Apostolic See whose authenticity would be admitted the world over."

The Chancellor, be it added, admitted the judges to their office and controlled their action. It is a fact of some significance that during the whole of the pre-Reformation period the principal clerks or Masters of Chancery took rank above the Attorney General and the Solicitor General and the Serjeants-at-Law.

In these circumstances it is scarcely surprising that during the period before the Reformation the whole theory of English law and government should have corresponded with the ideals and principles of the Canonists; that England should have recognized the distinction of the temporal and the spiritual powers, the subordination of both those powers to the Divine and the Natural Law, the obligation of justice and equity that lay upon the conscience of the King. Of old, a royal judge had not hesitated to speak out fearlessly of the King: "*Rex est sub Deo et sub lege: non est enim lex ubi dominatur voluntas et non lex. . . . Dum facit*

justitiam vicarius est Regis Eterni: minister autem diaboli dum declinet in injuriam."

With the Reformation came what Maitland calls the catastrophe of the spiritual courts, but what is in truth the catastrophe of the whole political and legal system. The Statute of Appeals enacted in 1533 was the necessary consequence of the King's marriage with Ann Boleyn and of the divorce proceedings before Cranmer. In the preamble to the Statute the King sketched with his own hand the relations that were to exist between the new Anglican Church and the State. The King was to be supreme in all matters and causes, ecclesiastical as well as civil.

"But," adds the great master of English Legal History, "the great breach of continuity has yet to be noticed. The academic study of the Canon Law was prohibited. No step that Henry took was more momentous. He cut the very life-thread of the old learning. And as if this were not enough Henry encouraged and endowed the study of the Civil Law, and the unhallowed civilian usurped the place of the canonist on the Bench. The significance of the change is sometimes overlooked. The first lesson which we learn if we open the Code is the very lesson that Henry was teaching: that an emperor (and Henry claimed in the Statute of Appeals to be an emperor) can legislate *de Episcopis et Clericis*, *de Sacrosanctis ecclesiis*, nay, *de Sancta Trinitate et fide catholica*. The theory of Church and State which the Civilian found in his books was the imperial papalism the Cæsar-Papismus of Byzantium; and now what had been the one known antidote of this theory was to be placed out of reach: the schools of canon law were closed.¹⁶

This exaltation of the King and the closing of the schools of Canon Law were destined to open a future in England for every superstition of law and politics: for the absurd doctrine of the Divine Right of Kings and for the later doctrine equally absurd of the Divine Right of Parliaments; for the denial of the Natural and of the Eternal Law and for all the evils that were to flow from that denial.

One may suppose that some of those evils were before

¹⁶ Maitland: *Canon Law in the Church of England*, pp. 92-94.

the mind of Thomas More, lately Lord Chancellor, when, on being indicted for an offence against the Act of Supremacy, he made answer to his judges: "Forasmuch as this indictment is grounded upon an Act of Parliament directly oppugnant to the laws of God and His Holy Church, the supreme government of which or any part thereof may no temporal prince presume by any law to take upon him: it is therefore in law among Christian men insufficient to charge any Christian."

And one may be sure there was at all times in the soul and heart of the greatest of the English common lawyers a sense not only of loyalty but also of gratitude to the Popes and canonists of the Middle Ages for the gifts and even for the glory they had brought in the critical centuries of English history to the development of the English Law.

TRAINING THE UNDER-MIND

By, THE REV. C. C. MARTINDALE, S.J.

A RECENT article, "The Under-Mind of Boys" ("boys" was accidental: it could have been just "of Catholics"), brought me so many letters, kind, interesting, anxious and sometimes tragic, that I could not but venture to ask leave from the Editors to write another one, perhaps more constructive. I write it, always remembering that I am not a parish priest and can hardly guess what their grinding work too often is, even when I lay myself out to study it and try to visualize it—certainly I honour it.

. . .

To make it quite clear what I mean by "over-mind," I suggest that many people would not dream of saying that there were four, or two, persons in the Trinity; but then, they don't really take any interest in the Trinity; so, are prepared to say what they have always been told to say and would find it difficult not to, but would not *mind* if they heard that the dogma was different. They also agree that immorality is wrong, but don't see quite why, and anyhow it doesn't seem to matter much, and so, they don't *really* mind *much* if they succumb to it. Let us think of the under-mind of plenty of people in regard of contraception! A dislocation has occurred between what they are taught to think and say, and what they really think (or feel) though they don't say it—save during a sort of spurt of honesty (in or out of the confessional). Now, how train an "under-mind" which shall be right, and send up none but right consequences into deliberate and personal life?

I begin with a humble, but real, and I think, neglected fact—the Imagination. Abstract ideas, however true, crystallized into formulas, however correct, are not an *adequate* pabulum for childish souls. Such souls are stirred by "pictures." In my childhood, I was fed on many picture-books, about the Old and the New Testament. I had my favourites. I would ask for "The

Parables, please," as a treat. I had such a book, always, to read if I woke up before it was time to get up. The first word I read without being helped occurred in such a book, in the stories of the Good Samaritan and of the Prodigal Son. I remember the thrill of that—and the fuss I made about it. (It is true that the word was *THE*, but no matter. The house was in a turmoil for hours.)

I am the last to deprecate the "Catechism," and its formulas—even learnt "by heart." But you don't *love* formulas. I loved my Samaritan, and my Prodigal Son! And little children can begin by loving things long before they "understand" them. But to love them, they must "picture" them.

Now I fear that we are—even since "Robin" and some others—still far, far behind non-Catholics in all that concerns Pictures. Go to Edinburgh House and study the "missionary" literature that they put out for children. Have we anything like it? Nothing. (I mean, in England. Abroad, they have better still. But we, no.) This may account for the C.T.S. being unable to sell two sorts of its literature. One concerns the English Martyrs; but of this I say nothing here; the other concerns Foreign Missions. I have been told that the word "foreign" puts buyers off. Perhaps. We don't like a "foreign" accent, "foreign" ways. This comes back, maybe, to "Nationalism" (though, after all, when we get into a "foreign" mission, it is we who are the foreigners), but also, to an inability to "imagine." We are comfortable only amid the customary.

Let us then admit that a primary duty, if we would construct—from childhood—an "under-mind," is, to cater for the Imagination. I should say that the duty of doing so begins with putting Our Lord as a real Person before all Catholics.

Is it irreverent to suggest that too often we present "Our Lord" to Catholics *either* as the "Sacred Heart," or, as the Crucifix? Or, speaking and re-speaking of this incident or that, mentioned in the Sunday "gospels," and making the incident a sort of peg on which we hang our own moralizing coat . . . but leaving the whole thing disconnected, and presenting no "Life," no "Person"? I know that Our Lord is not an archæological personage, like Socrates; but it is terrible to see how many do not realize Him as a Person at all. A

Person, having lived. Whose life was a "flow" . . . having a "current" in it . . . consequences of what had occurred before, leading into consequences that were bound to happen afterwards. To repeat myself, and to risk misunderstandings: I think we often go straight from "God"—"offending God; serving God"—to the "Church"—"the Church *says*" (for example: You cannot be divorced; You must not eat meat on Fridays)—and fail to convey that there is a Person, who is our Hero, our Captain, and our Friend.

The same, I fear, may happen about the "Church" itself.

If I can't "imagine" it, it risks *seeming* the Denomination in England to which I Happen to Belong. How *can* I imagine it? I can't, unless I "picture" its History to some extent. I would like many pageants—e.g., a "Pageant of the Mass," Jerusalem, the Catacombs, the Cathedrals, and Agincourt (when they ate grass and earth rather than *not* go to Communion somehow or other), the French Revolution, the English Reformation, the Irish Persecution, a Dug-out, My Parish Church (how shall I "produce" that? Oh, who knows! But invent! Invent! Aim at the imagination!).

And next, her actual work. Especially the "foreign" Missions. (We haven't a substitute-word yet.) We have to see the Church as a globe-affair; not English, French or Irish—until we get "nationalism" rinsed wholly out of it; to see the Missions not as an "extra," a fringe, a condescension—but, as a normal part of the apostolic activity proper to every "Catholic." How can this be done save by means of the cinema? But we Catholics have never yet been able to ensure an adequate universal correspondence agency, let alone a "Catholic Cinema." We tried for one, some time ago, in this country. It failed. Other countries can manage much larger ones than we can (who cannot manage any); but none of us are up to Russia.

I have before me a large document—foolscap, when unfolded—with a complete statement (complete, that is, to the end of 1931 and well into 1932) of propaganda Russian revolutionary films exhibited in England, with an analytical statement of where they are displayed and the sorts of audiences, and comments, that they get. The activity is continuous; the display is very artistic

and convincing; all you can say about Russian films to their discredit is, that they have no humour, and that, of course, their doctrine is subversive. We don't use this instrument for forming our children's Catholic imagination. Some time ago, there was an effort to distribute Catholic films among our schools and parishes; but it failed for lack of support. Now the Dutch Eidophon Company gives us another chance; the Cardinal Secretary of State has written at unusual length to the Archbishop of Utrecht about its plans, and the Holy Father is personally interested. But is this Catholic film society going to succeed in England? When the mission-film, "Rio Raga," which, if not perfect, was at least genuine and first-hand, was shown at the Polytechnic, Catholics made hardly any response at all. I doubt if the "Voice of the Vatican," which is enjoying a moderate success, wins its welcome so much from Catholics as from others. Yet when Protestant organizations join together to offer missionary films, you will find that hall exhibiting them for twelve weeks on end, playing all the time to capacity. Yet Protestant mission-films seem to show nothing remotely as romantic as what even I know that our Missions could display.

We don't *use* the film! During the Eucharistic Congress at Zagreb, I remember thinking that nothing so picturesque could be going on that week in the whole of Europe! I asked who was filming it. "No one . . . we did not think. . . ." Rapidly we went round—if I remember right—to four places where they made films. Three were Jewish; one "liberal." All refused to touch it. But a twenty minutes' film, on the whole topic of "Croatia," *including* the Congress, would have been invaluable to our schools, qua educational; and, even alone, but followed maybe by an "amusing" one, would have truly "entertained." Why, I have constantly found working-men's audiences sit for an hour and a half, really interested, through a lantern-lecture on Hungary, not to mention the volcanic zone in New Zealand and the Maori missions, or the Black missions in South Africa. Do we underrate the "interestableness" of the working-class *especially*? The "respectables" seem to me to come more reluctantly, and to be far heavier in hand! But here, surely, is an instrument for developing the general knowledge of, and interest in, enthusiasm about, the work of the Church at large. How else should men

realize that the Church is *not* just what they see around them?

"But this costs money? Schools can't afford a cinema or even a lantern?" Very many possess them, and large halls. Those who have decent halls, but can't afford the machine, deserve to have it given. It would much enhance the popularity of a school frequently to open its doors and hall to the general public. I would far rather give such a Catholicizing instrument, than merely regild a shrine! ("But *Dilexi decorem* . . . ?" Yes; but the Lord's chief dwelling is the Soul; and it is this that I want, chiefly, to furnish.)

* * *

If children, and the child-element in adults, need with absolute necessity, a pictorial background to any thinking we may try to make them do, growing boys and girls need, with no inferior necessity, Action, Jobs. Not only active games—responsible action. This alone corresponds to their developing nature. Thus I would far rather see somewhat older boys ushering children into their places at Mass, than nuns doing so. In fact, I can think of only two arguments against this principle—that we should *endeavour* to give progressive responsibility to boys and girls—one is: "The job will be done worse than if 'I' do it . . . they will be the most dreadful nuisance." Yes; probably it will; and they will! But nothing forms the mind like action. Often, when wondering why boys trained in our schools simply *will* not take any part in "Catholic Action," I cease to wonder when I remember that often they have *never* done so, and have never been allowed to do so. To *act responsibly* is a new art. Please God that we, who by vocation are celibate, never turn into mere Old Bachelors, irritated by noise, fussed by the young, sticklers for our exact privileges (and easily, for a good deal extra)! Perhaps this tendency to centralize *all* power and responsibility is itself responsible for that "blight" which, an American priest said despondently to me the other day, seems to settle on so many Catholic good works!

This combination of imagination and action is one of the main reasons for the enormous success of the Scouts. And I think it is a supremely good way of making young boys and girls understand Our Lord. For, once more, it habituates them to think of Him as a Person for whom

they can do something. Once you get a boy to "lend a hand about the house," his home-life develops happily. Qualities reveal themselves in his parents that he had had no sight of; he loves them better, and *they him*. I know that going to Holy Communion, and "not committing sin" are modes of activity; yet the former *can* become a "duty," or a monthly event, divorced from the "sense" of meeting a Person; and the latter can relapse into that negative legalism—"Do not do so and so— which Our Lord said we must transcend. A priest once said to me: "Put 'em into red cassocks, and have 'em on the altar at Benediction. *That's* what keeps them good!" I wish it did! True, it involved a bit of colour, and an hour's religious activity of a sort—but, though he had about twelve in his small sanctuary, where were the 1,200? Certainly not in that church. Boys cannot, even if they would, do directly religious, almost mystical "work" *all* the time. We can't supply it; they would go crazy over it. And most wouldn't accept it.

* * *

One letter received since the previous article began by fearing that even doctrine taught in primary schools was so often another "surface subject" that it *could* not train the mind to resist the propaganda that "children meet when they start at the factory," where "most of the youngsters end up." "If you start a Guild, the ones you want won't come. If you start a Scout Group, it collapses for want of competent officers." (Or the competent ones marry and go away.) "Instead of enthusiasm . . . there is a steady quiet bitterness about the economics of life and a terrible fear of losing their job, among the men, and a great drift towards freemasonry because it means a 'pull.' The set of the tide is against us. The odds are on the 'Atheist'—he has the boys all the day at his mercy; I get them half the morning on a Sunday." How *can* such a priest do all his priestly work, and all the rest, not to insist on that most ungainly job of getting money—unless he be helped? "Come over into Macedonia and help us!" St. Paul went; and *did* spend half the day earning money . . . but he got an astonishing number of lay-helpers! Providence loves to snub pessimism. While writing this, I was interrupted by a young chartered accountant asking how he might put his part-empty life at the

disposal—gratis—of some Catholic society, either for chartering its accounts (if that is what you do to them . . .) or—for scrubbing floors. I did not think he could, *at* the priest who had just written; but I gave him eight other addresses. *Quod bene vortat!*

* * *

It is after you've got your club, a pleasant and assimilable club, that one must, I feel sure, try to introduce some "intellectual" element somehow: for, the intelligence does then develop, and, is being challenged as we said last time all along the line. By "assimilable" I mean something that the boy can *really* feel at home in, and decorated not only with religious pictures till it looks like a nun's schoolroom cleared for a dance. . . . Personally, I get placards off railway or shipping companies; mount them; varnish them; do *not* put glass over them; and frame them in cheap black-painted wood. Our walls are pretty brilliant anyway: the black wood prevents the brilliance of the placard from getting too near them and fading out. Very decorative. . . .

Similarly, I was not shy to welcome a Catholic Speed-Merchant who wanted to show racing-films. I would want the boy to feel that there was *nothing* that he wanted, to be found only *outside* the Club. But part of what he wants, without knowing it maybe, and certainly that he needs, is food for his intelligence. I know one priest who daringly acts the Devil's Advocate. "Why *should* we have a King?" (This question shocks them badly.) "Why shouldn't we kill sickly babies?" "The State surely ought to *give* you all your clothes!" The boys (he tells me—he works in a part of London that I hardly know) are always on the side of the angels, but don't know why. Stung by his attacks, they strike out very good arguments that would else have perished un-thought-of.

But, of course, I would always aim at an annual week-end retreat—or even two. At Poplar, the boys are positively irritating with their request: "When we going to have another retreat, Far-ther?" How the Pope has insisted on Retreats, "especially" for those who have little money, little time! Ours, I confess, are rather erratic retreats. They play a lot of football on

the roof, during free time: they eat enormously. They make their confessions in the gym, elbows on your knees. But, without alluding specifically to Poplar, "returns" are quite startling: and, alluding directly to it, the retreat makes its effect felt, within the Club, for months.

Imagination: Work: Intelligence: the Spirit—I fancy that *all* of these (not consecutively; but interwovenly) are necessary, and larger doses of the first three than may have been customary. But the trend is manifestly in their direction. And, in matters of the Spirit, perhaps we need not fear to ask of Christians the *great deal* that Christ asked: the habitual self-sacrifice for the sake of one for whom, without even reflecting on it, we would do anything.

As I write, I have before me the August number of *The New Pioneer* (New York; but obtainable in London). The cover is bright blue and white—a boy and a girl diving: and a crude but intelligible picture-story of "Pioneer Sports": a hefty base-baller sends the ball through a window—the window of a munitions-factory—the factory explodes. . . . Every little article of the magazine is illustrated; clumsily, but vividly. (Imagination.) The letters to "dear comrade editor" *all* recount jobs done—"all-evening programmes" arranged; "movies" run and children cleaning the hall afterwards; exhibitions of handicrafts; a "Camp Lenin"; Danish boys' attempt to prevent the "Scottsboro Boys" dying and to establish a Soviet Denmark; distribution of leaflets; protection of "coloured" playmates; communal yelling of "We Want Milk"—and so on. (But always *Job*.) And, Ideas. Long parody of "Alice"—Alice in Hungerland. A "War Song"—"The drums will grind the call to war: Youth, whom will you fight for? We'll fight for the workers, for the mass—Against the ruling class." (Not a bad tune; hopeless as "literature"; but the *Pioneer Song Book*, from which it is reprinted, does not worry about literature, nor should it. It "gets there," and is here well illustrated.) "Pockets and Pickets"—too "ideological" really to succeed; still, it "suggests" something that sticks. Much propaganda misuse of individual cases—but what can a child visualize *save* cases? Ideas rely, once more, on Imagination! An Open Letter to Dante Sacco, a child when his father Nicola, and Vanzetti, were electrocuted six years ago.

A sneering account of the Scouts in Hungary. A "Stamp Club," rather like our children's stamp collections for the Missions; here, including a good deal of pictorial geography, and, for the sake of Russia. A certain amount of easy stuff about Science: and a frightful but moving piece of rhyming prose by Martha Millet, called "Clara Zetkin." "In the Red Square where Lenin lies—Thousands of workers, marching all—Our greatest leaders bear the pall—With solemn loving eyes—Flag of the Soviets wave—Always over her grave:—Flag of the Soviets unfurled—Soon shall wave over the world!"

An awful publication, if you are an artist, or care for pure English, or try to be logical, or hope to improve things. But it reaches the very many who know nothing save that they are unhappy: and it seeks them *via* Imagination; Job; and Ideas.

CLERICAL INCOME TAX

BY CHAS. H. TOLLEY, A.C.I.S., F.A.A.

(Author of the Complete Income Tax Chart).

THE heavy burden of taxation presses upon all orders in the community, not excepting the clergy. Moreover, our system of taxation, although said to be much admired by other countries, is of such a highly complicated character that very few people understand it. It seems unfair, therefore, for the clergy to have to devote time which might be employed in a far better way, in solving these mundane problems.

There has just been sent for review to this magazine a little book entitled *Income Tax for the Clergy*, written by Mr. Arthur L. R. Boydon, late of the Inland Revenue Department,¹ which goes a long way to meet this difficulty. This book contains a good deal of valuable information, and the present writer can safely recommend it as being of very helpful guidance on the subject. There are a few statements here and there with which he is not in complete accord, but these are of minor importance and the book is generally reliable and explains a difficult subject as lucidly as can reasonably be expected.

The author first gives a general review of the method under which income tax is assessed and that of the clergy in particular, and then goes on to deal with the different circumstances which have to be considered in assessing respectively the clergy of the Church of England, Non-conformist Ministers and Catholic Priests.

It will be useful to explain briefly what are the main principles of income tax law as at present administered.

First of all, it is only income which can be taxed, and accordingly no item which is of a *capital* nature can be either assessed, or, on the other hand, treated as a deduction for arriving at the amount upon which tax is levied. Thus, while all interest, dividends, rents and earnings of every kind are assessable, no tax can be levied on any profits which may arise through selling

¹ Eyre & Spottiswoode. Price 3s. 6d.

property or investments. But in the same way a capital loss cannot be deducted, and although the whole of a man's income for the year may be lost through a disastrous fire or bad investment, he still has to pay tax upon it. The general principle is that once taxable profits are made they become chargeable, no matter how they are applied or what becomes of them.

For the sake of convenience, income for tax purposes is divided into what are called *Schedules*. *Schedule A* relates to the profit derived from the ownership of land and buildings, and is assessed on the amount at which they are periodically estimated as being worth to be let; not necessarily the actual rents less outgoings of the particular year, although there is a provision by which the assessment can be reduced each year if the value has declined. The system is for the occupier to pay the tax, but subject to certain conditions he can deduct the tax in paying his landlord.

Schedule B is the profit derived (or supposed to be derived) from occupying and making use of land. It is sometimes called the Farmer's tax, and in the same way as *Schedule A*, is assessed upon a periodic estimation of annual or letting value; but unlike *Schedule A*, the occupier of the land has to bear it himself and cannot deduct it from his rent. He can, however, get the assessment annually reduced to the actual profits he derives from the land, or get it cancelled altogether if there are none or if there is a loss. If land is not used for agricultural purposes, the assessment is reduced to one-third. Buildings and land surrounding them up to one acre are not assessed to *Schedule B*.

Schedule C relates to dividends on public securities, but in this case the tax is always deducted at the source.

Schedule D is the most complicated of all the Schedules, and covers on the one hand all earnings from trades, professions, manufactures and businesses generally; and, on the other hand, interest and dividends and income derived from foreign and colonial sources and miscellaneous profits.

It is *Schedule E* which principally concerns the clergy, because it covers all income received from offices and employments of every kind. It is most sweeping in this respect as it includes the highest officers of Church and State as well as the humblest weekly wage earner.

Tax is levied in three ways. (1) By *deduction at the source*, in regard to most dividends, interest, annuities, etc. (2) In the case of property, by *assessing it on the occupier* who in turn deducts the tax paid from the landlord's rent. Or (3) by *direct assessment*, which is the rule in regard to earnings from employments, offices, trades, businesses, farming, etc., untaxed interest on War Loan and bank deposits, and foreign and Dominion income received from abroad without British tax being deducted.

In the case of all these direct assessments, the basis adopted (on which the tax is payable) is the income of the *preceding year*. But there are important modifications in this respect in regard to the assessment of the *first two or three years*, the *last two years*, and in respect of *losses*.

The procedure is for the tax-payer to fill up a *return* form (generally served upon him some time in April) of his actual income for the preceding year. This must include in the spaces provided all his income, both taxed by deduction and received in full. He need not, of course, enter items such as national savings certificates, on which no tax is chargeable, but the spaces reserved for making claims for personal allowances, life assurance premiums, etc., should be carefully filled up. In due course he will receive an assessment notice (probably the following October or November) against which he must appeal within twenty-one days if it is wrong, or it will become conclusive. This rule is rather strictly observed and except as regards the various allowances, alteration is seldom possible if the time for appealing is allowed to lapse.

The tax charged on all "*earned*" income is payable in two equal instalments, viz., on the following 1st January and 1st July. This applies also to the Schedule A tax in respect of houses occupied by the clergy, to pensions, and to the Schedule B tax on agricultural land.

But in the case of all income from *investments* where the tax has not been already deducted at source, the tax has to be paid in full on the 1st January, that is, three months before the end of the tax year to which it relates. In cases of real hardship, however, it is usual to allow a few weeks (or even months) extension on applying to the local Inspector or Collector.

When persons have incomes exceeding £2,000 a year, there is a further additional tax payable called *sur-tax*, which is charged at rates which go on increasing with the size of their incomes.

In regard to ordinary income tax, however, tax-payers are given various *personal allowances* varying with the nature of the income and their family responsibilities.

First there is the "*earned*" allowances of one-fifth. That is to say, all "*earnings*" from trades, professions, businesses, employments and offices are reduced for purposes of assessment by one-fifth, but the reduction must not exceed £300. This applies also to all assessments on agricultural profits from land, and in the case of clergy, the Schedule A value of their residence is allowed to be treated as earned income for this purpose.

Next, all tax-payers are entitled to an *exemption of the first £100* of their income. This £100 is increased by additions for *family responsibilities* such as wife, children and dependants, and in the case of a widow or widower (or an unmarried man keeping a young brother or sister), a housekeeper. These allowances, however, are subject to a number of rules. Then *the first £175* of taxable income after these deductions are made from the assessable income, *is allowed to be charged at the half standard rate*; that is to say, at present, 2s. 6d. in the pound instead of 5s. An allowance of tax (generally at the half rate) is also made on *Life Assurance Premiums*. Where any of these allowances cannot be set against income which is directly assessed upon the tax-payer, he is allowed to make a claim if, taking them into account, it is proved that he has paid too much tax by deduction from other income of his.

To return now to the special case of tax on the *clergy*.

Clergy of all denominations must take into their returns for assessment purposes, the *actual income they have received for the preceding year*, but the method of calculating this income varies considerably as Mr. Boydon shows in his book, and the Catholic priest's position is different from that of the Church of England and the Nonconformist clergy.

Every clergyman is allowed to deduct one-eighth part of any rent he pays for his *residence* (or of the gross Schedule A value of the house if he pays no rent). This

is intended to represent the portion of the building he uses for his study or for purposes connected with his duties.

He is also allowed to deduct all reasonable *travelling expenses* in connection with his work. For example, if he keeps a car for the purpose of visiting members of his congregation or carrying out his various duties, he may charge the annual expenses of running it (including wear and tear), less a proper proportion in respect of any private use he may make of it outside those duties. In country parishes the expenses of a horse or a pony should be similarly allowed.

In the usual way the cost of a *locum-tenens* is not allowed, but it is the practice to permit this deduction in the case of illness.

By a recent concession of the Revenue, there is also now permitted to be deducted for 1930/31 and subsequent years "*the cost, or part cost, of a servant* to the extent that a clergyman or minister is necessarily involved by the performance of his duty as a clergyman or a minister in expenditure for domestic help that would not otherwise be incurred."

It would appear that some Inspectors are unaware of this concession, and in such cases (where it is refused) it is recommended that a letter be written to the Board of Inland Revenue stating the facts and referring to a letter written to the present writer on 30th March, 1931, by W. G. E. Burnett (Ref. No. T/1095/4/1931). It is printed in the *Universe*, 10th April, 1931, and is as follows:—

"SIR,—With reference to your letter of March 7th, 1931, I am directed by the Board of Inland Revenue to inform you that the position is . . . that a clergyman or minister of religion may claim for the year 1930-31 and subsequent years an allowance in respect of the cost, or part cost, of a servant to the extent indicated by the quotation contained in your second paragraph. [See above.] As you are aware, the conditions governing the allowance in respect of a 'housekeeper' are set out in Sections 19 and 20 of the Finance Act, 1920, as extended by Sections 21 and 22 of the Finance Act, 1924. These provisions are of general application. The Board are not aware of any cases in which inspectors of taxes have

refused to consider claims by clergymen or ministers to an allowance in respect of the cost, or part cost, of a servant as mentioned above, but if you will furnish particulars of any such cases the Board will cause inquiry to be made.—I am, Sir, your obedient servant, (Signed) W. G. BURNETT."

Professional subscriptions and the cost of *books* are often disallowed, but this is subject to some variation in special cases. For example, the substitution of new editions of theological works, reference books, commentaries, etc., and subscriptions which are absolutely essential for special duties and work, etc., should be allowed.

According to the rules, a deduction is allowed for *all money wholly exclusively and necessarily expended in the performance of the duties*, but this is based on the expenditure of the preceding year. This sometimes works very unfairly. For example, no extra allowance can be obtained for exceptionally heavy expenses in the tax-year before retirement.

To come now to the special case of the *Catholic Priest*.

Mr. Boyden has a very useful chapter dealing with this, and states that an arrangement has been come to between the Board and the hierarchy under which a parish priest is assessable on his stipend, Christmas and Easter offerings, mass stipends, stole fees, and any fees as chaplain of convents and public institutions which he retains. But to this must be added the cost of his maintenance. He is regarded as acquiring a "new office" and assessed accordingly when he is first appointed to a parish or transferred to another parish, and in the latter case, and when he retires, the rules relating to the cessation of offices would apply.

That is to say, for the first two tax-years of a new appointment, he would be assessed on actual emoluments of those years, and generally for the third tax-year also if it was to his advantage to be assessed on the actual emoluments of that year instead of the preceding year. In the tax-year that an appointment ceases, the assessment is on the actual emoluments; but the Revenue have the right to increase the assessment of the year before to actual emoluments for that year, if the assessment

happens to be less; the tax-payer has no corresponding right if the difference is the other way.

It is also stated by Mr. Boyden that *presbyteries* are exempt from Schedule A tax, provided that the income of the resident priest is less the £150 a year and the property is free from mortgage. Where the priest's income is more, the Schedule A assessment is worked out in a proportionate way according to how much of it is applicable to the rooms actually occupied by the priest and his housekeeper, etc.

The present writer is, however, doubtful whether, strictly speaking, a priest can be taxed upon the cost of his *maintenance* in those cases where, in fact, he never receives any money in respect of it, but all the money for his maintenance is expended by other persons and is entirely outside of the priest's control. It was decided in the well-known House of Lords case of *Tenant v. Smith* that taxable income is not what saves a man's pocket, but only what goes into his pocket. Accordingly, where benefits received cannot be turned into money, they cannot usually be assessed. This applies to the case, for example, of assistant masters of some schools, servants generally, and many other classes of the community whose remuneration consists partly of board-residence, none of whom are assessed with tax upon that part of their remuneration which they cannot turn into actual money, except in very special cases.

With regard to the question of *gifts* to the clergy, it would not by itself be sufficient ground to exempt money from taxation to say that it was a "gift." This has been established in a number of cases before the Courts relating to Easter and Whitsun offerings. But where money is given to any clergyman, not because he occupies any particular office, but *simply out of regard for him personally as a friend*, that should not be taxed as part of his emoluments from that office. In practice, however, it is not always easy to establish this distinction.

A rather important case (*Reade v. Brearley*) came before the King's Bench Court recently, in which a head master, who belonged to a Roman Catholic Order of secular priests, was treated for the purpose of obtaining the ordinary Board of Education grant as receiving a certain salary. In fact, however, he received nothing whatever, because by the rules of his order, he was not

allowed to receive material profits for his work. The Court held that under those circumstances no assessment could be made under Schedule E on the so-called "salary."

A somewhat similar case came before the Recorder of Londonderry a few years ago in relation to the salaries of teaching nuns (who gave up to the Convent all the remuneration to which they were entitled for their work), and here in the same way it was decided that so-called "salaries" of the kind were not assessable.

There is a valuable suggestion on page 64 of the book with regard to *charitable subscriptions and donations*. It is not perhaps as well known as it might be, that if a subscriber agrees to *legally* pledge himself for seven years to make a certain annual subscription to a charity, the subscription he pays may be regarded as the net sum arrived at after deducting tax at the full standard rate from the gross sum it represents. Accordingly, when a charity is exempt from tax, it can claim refundment of the difference between the net and the gross sum respectively. For example (with tax at 5s.), if a subscriber agrees to pay £1 10s. a year for seven years, the £1 10s. would be treated as representing £2 gross, with 10s. tax deducted, and the 10s. could be recovered by the charity. Moreover, if the subscriber is a *sur-tax payer*, he also gets a substantial advantage. Charitable subscriptions are not generally allowable deductions for tax purposes. But a *legal obligation* of this kind is deductible, and he is permitted to deduct from his total income for sur-tax purposes, not merely the nett amount of his subscription, but the gross sum represented, and that in effect gives him relief from sur-tax on that gross sum at the sur-tax rate payable on the highest part of his income. Thus (at present rates of tax and sur-tax), a man whose income exceeds £8,000, more than doubles the value of the money he actually expends in charitable subscriptions by adopting this method.

HOMILETICS

BY THE RIGHT REV. THE ABBOT OF BUCKFAST.

Twenty-second Sunday after Pentecost (November 5th).

Epistle. Phil. i. 6-11.

“And this I pray: that your charity may abound more and more in knowledge and in all understanding.”—v. 9.

I. In Christian spirituality there is an indissoluble link between charity and knowledge, between love and understanding. In this true Christian spirituality differs from pseudo-Christianity. How often do we not hear people exhorting us to charity, preaching to us love, and ever more love, whilst they declare openly that there are no dogmatic certainties? In fact, in the minds of many, Christianity is charity and love and nothing else. Doctrinal elements are looked upon with suspicion, not to say aversion. The profound scepticism of the moderns tries to save itself from the abyss of spiritual nihilism by making a desperate appeal to charity, as the one certain factor.

II. St. Paul prays that our charity may abound more and more in knowledge and all understanding. We must make progress, not only in the perfection of the will but also in the qualities of the mind. Unless we cultivate the intellectual side of our Christian life we are bound, sooner or later, to drift into mere sentiment, even with regard to divine things, and our life will become a raw moralism that has nothing in common with the spiritual inheritance left unto us by Christ. We are in danger of bestowing the fine name of charity on activities and sentiments and passions from which the interests of Christ are completely banished. The only way in which we can remain truly supernatural is to have an entirely Christian attitude of mind, and this is only possible through the intellectual effort to assimilate the principles of the Faith through abundance of knowledge and understanding.

III. Anyone who has the privilege of dealing with souls and their progress is bound to be impressed by the abundance of spiritual light which is vouchsafed to the faithful servants of God. Progress may well be measured in terms of light. Saints are essentially seers, and their great deeds proceed not only from deep convictions but also from vast visions that enable them to be generous in charity without counting the cost. If there is any element that is diametrically opposed to Catholic sanctity it is the element of scepticism. God never asks us to do anything, great or small, without illuminating our minds and impressing on them the conviction that the effort demanded of us is good and holy.

IV. There is no other way for us to overcome the world than by the intellectual truths that are contained in our Faith: "And this is the victory which overcometh the world, our faith" (I John v. 4). The world's power lies in its appeal to the mind, in its fascination for the imagination. Unless we behold another world, the great world of divine realities, we shall be bewitched by the false greatness of the works of this world. Those almost incredible deceptions of which we read in history, when vast multitudes of men were carried off their feet and followed some leader of error, are comprehensible enough if we remember how destitute men are of all spiritual anchorage outside the Christian Faith. Every victory over "the concupiscence of the flesh, the concupiscence of the eyes, and the pride of life" is preceded in the mind of the faithful by a special grace of illumination that shows those evil powers to be shallow illusions. In the light of the Holy Ghost the Christian is made to see that "the world passeth away and the concupiscence thereof" (I John ii. 17). He is victorious because he has taken true measure of his adversary, in the understanding that is from above.

V. St. Paul makes the increase of understanding the object of special prayer. The illuminations of the Faith are indeed very eminent graces. It is the work of the Holy Ghost to open the eyes of the soul to the unseen things of God. Our charity is possible only because we are made to see God's excellencies. We differ from the world mainly through that divinity of outlook that makes the fervent believer a human being so truly set apart. There are, however, means that are within our grasp and part of Christ's provision for His Church that are the divinely appointed channels of those high lights. The whole teaching of the Church is a *charisma* of the Holy Ghost, by means of which our charity is made to abound more and more in knowledge and understanding. No Christian can expect to be illumined if he keeps away from the teaching activities of the Church, if he refuses to take part in the Church's Liturgy—which is her main instruction—if he gives no time to sermons, to reading Christian and Catholic literature, if he makes the products of the secular press the exclusive pabulum of his mind. Such a one will be filled with all the current errors, his supernatural vision will soon be dimmed and he will find it difficult to remain for long in charity with Christ and Christ's people.

Twenty-third Sunday after Pentecost (November 12th).

Epistle. Phil. iii. 17-21.

"But our conversation is in heaven: from whence also we look for the Saviour, Our Lord Jesus Christ"—v. 20.

I. The fundamental fact of Christianity is its other-worldliness, its practical proclamation of the fact that men are not meant to find explanation of their existence in this world, but in the world to come. Christianity begins with that mighty assumption, and without it Christianity would not be the religion

it is. Now it is a truly astonishing thing that the one truth that is the very constitution of our holy religion is also the one that finds the greatest possible obstacle in our nature. When we hear St. Paul in this Epistle making the sad confession he cannot avoid, we ought not to fall into the mistake of attributing his censure to the heathen. The Apostle is evidently speaking of Christians, perhaps of his own converts: "For many walk, of whom I have told you often (and now tell you weeping) that they are the enemies of the Cross of Christ: whose end is destruction: whose God is their belly: and whose glory is in their shame: who mind earthly things." It is only of Christians that it could be said that they are the enemies of the Cross of Christ, in the sense in which St. Paul employs the stricture here, as an attitude of hostility to the renunciation which the Cross implies. Man could be religious, could even become enthusiastically religious, if he were given the full benefits of his pieties in this life, if he could see and handle the fruits of his efforts in the spirit. But to look on for the reward to a future and unknown existence makes a great demand upon man's spiritual courage, and this is why, even amongst Christians, there is the constant tendency to worldliness, to judge things from the point of view of temporal advantage.

II. Let us bear in mind the fact that religion can become very worldly. The history of the Church is one long fight with worldliness inside her own fold. It does not mean that Catholics, at the periods which we consider as specially worldly, had lost their faith, or did not believe in the life to come. But in practice, in their daily life, they behaved as if they were not meant to prepare for another life, as if this world was expected to give them the full satisfaction of their desires. Moreover, the many temporal advantages which an established religion always possesses had become most evidently ends in themselves, instead of being the means of furthering the Kingdom of God.

III. The unworldliness or the other-worldliness of Christianity is most emphatic and it is on the whole a very clear issue. Nothing has any real value except in reference to the life which is not yet, but which will be one day. So St. Paul is justified in saying that our conversation is in heaven because the future life of heaven so informs all the acts of the present life that in reality we behave as people already in heaven. Nothing is of any worth to us except it be connected with the glory that is to come. No one, of course, would deny that this is a most difficult attitude for man to entertain. For this reason, as already said, the most fundamental issue of Christianity is also the one that is most remote from our daily experiences. For we are hard pressed on all sides by the demands of the present life. We want to be happy in the things that are realities for us now. We find it almost unreal, not to say insincere, to postpone to such a distant date the solution of all our problems. Yet this is the very meaning of the Cross of Christ. We are in truth the mental, the intellectual enemies of that Cross if we cannot bring ourselves to the conviction that the present

order of things is essentially transitory, provisional, with the element of trial and temptation in every phase and aspect of it. The irrefutable proof that the mortal life of man is not meant to be a goal in itself, a perfect work in itself, is the fact that the mortal career of the Son of God terminated in the Cross. He evidently did not come with the intention of making His life an unceasing ascension from one kind of happiness unto another. All along He had His Cross in view. The worldling, therefore, with his exigencies, with his demands for speedy reward and undisturbed peace even in religion, is psychologically the enemy of the Cross of Christ.

IV. We need not be surprised to hear St. Paul invoke the supreme dogma of the Christian faith—the glorification of Christ and His elect in the body—in order to combat that hostility to the Cross which he bewails so bitterly: "From whence also we look for the Saviour, Our Lord Jesus Christ, who will reform the body of our lowliness, made like to the body of His glory, according to the operation whereby He is able to subdue all things unto himself." A future life that will make the present life look insignificant and valueless must be a life that is very strong indeed, in which there can be no possible flaws nor disappointments. It must be an existence in which man will find complete compensation for the bodily privations of the present life. For the inherent difficulty of making true Christian other-worldliness literally our own comes chiefly from our bodily senses. It is the body that cries out for immediate satisfaction. The words of St. Paul concerning the unmortified Christian are terrible in their force: "Whose god is their belly." The curbing of the desires of our appetites marks us as true Christians, because we treat that which is nearest to us, our sense-life, in a way that betrays our higher vision: we have the strength to forego much here because we are meant for heaven. It is, of course, easy to establish the psychological nexus between moral depravity and lack of faith in a higher, in a future life.

V. When St. Paul, with bitter irony, speaks of certain Christians as making sensual pleasures into their god, he touches the nerve centre of that everlasting difficulty. It is clearly evident that we cannot abstain from food and drink, nor can we forego the use of temporal commodities. But Christian grace has the power to change the relative values of temporal matters, and also to reverse completely the attitude of man towards them. Temporal things are not an end in themselves, they are not final, they are not ultimate; therefore, they are not a god to man. They are a means towards a distant, an invisible end. Now, though we are used to this distinction through a long habit of Christian thought, to put it into practice makes all the difference between the saint and the sinner, between a lover of the Cross and an enemy of the Cross. To be able, in very truth, and as a mental and moral habit, to look upon all earthly things as mere instruments for the attainment of an entirely unseen goal, is indeed that perfect superiority which is best described as "conversation in heaven."

*Twenty-fourth Sunday after Pentecost (Sixth after Epiphany)
(November 19th).*

Epistle. I Thes. 2-10.

"You were made a pattern to all them that believe, in Macedonia and Achaia"—v. 7.

I. We Catholics are accustomed to the idea of the oneness of the Church. We are Catholics precisely because we profess that complete oneness. We know that heresy and schism are sins against the unity of the Church, and we also perceive very clearly that no man is justified in calling himself a Catholic unless he abjures all division, all separation, and every kind of "branch" theory that would divide the Church into disjointed members without a common body. These things are self-evident to Catholics.

II. There is, however, a knowledge of the Church's oneness in which even Catholics may grow from day to day, an experience of unity that makes progress side by side with personal sanctity itself. We are one with our brethren all over the world, not only because we hold the same Faith, the same doctrines, and obey the same Head, the Vicar of Christ, but we are one through our spiritual life, through our labours and our sufferings, so that the supernatural state of our portion of the Church affects, in a most direct manner, the supernatural state of the whole Church. Moreover, each individual member of the Church benefits by the sanctity of the universality of the Christian people. St. Paul took pride in the fervour of the Thessalonians, and as he went from church to church, or as we should say to-day, from parish to parish, he spoke with enthusiasm of the Thessalonians who showed great constancy in a persecution which evidently had befallen them: "We ourselves also glory in you in the churches of God" (II Thes. i. 4). We may admit that in this passage St. Paul is directly concerned with the effect of the good example; but we are all aware of the fact that Christian sanctity is a potent influence, not only as an example but also as a communication of the spiritual wealth that is contained in all good works.

III. This is usually called the doctrine of the mystical Body of Christ: a doctrine that teaches us that we are all one in the Son of God as the various members of a living body are one, so that no member can disclaim interest in the life of the whole, because its own well-being is made dependent on the health and prosperity of the entire organism. This link with our brethren, this connection with our fellow-Christians in the remotest parts of the world, is fundamentally part of all our supernatural life. We cannot prevent its presence; it exists in virtue of an act that does not come from us—the incorporation of every individual Christian in Christ, through baptism. But we may be made more and more aware of this fundamental condition of our spiritual estate, we may realize it more keenly as we progress in the understanding of the mystery of Christ,

we may make of it an inexhaustible source of spiritual refreshment in the labour of the Gospel. Thus, if I begin my day with the thought that every one of my religious acts during the course of its hours has a direct bearing on something that is almost infinitely vaster than myself—the whole mystical Body of Christ—I ought to enter into the day's work with a kind of awe, as if I were approaching a temple full of sanctity. Moreover, my faith will tell me that from sunrise to sunset there is spiritual work going on which is all to my advantage as a member of that holy society, the Church of Christ.

IV. Such comforts are not founded on beautiful illusions; they are merely the application to our own life of an immense truth which was gloriously evident to St. Paul and of which he is the Heaven-chosen champion, for no other man has ever said greater things of the mystical Body of Christ than the Apostle of the Gentiles. The supreme light that radiates from end to end and illumines all souls that are well disposed is, of course, the adorable Sacrifice of the Mass which is being offered up ceaselessly for the whole Church. Who can ever measure the implications of that great fact of Catholicism, the one, common, unceasing divine Sacrifice, covering as it were with a cloud of gold the faithful people, so that they walk under its infinitely beneficent presence. Catholic theology, moreover, attaches great importance to the patience of the Christian people in bearing adversity as an element of sacred communion. Because so many holy people suffer so much and suffer with such exemplary patience, in imitation of the divine Victim, the Church has acquired an immense treasure of satisfaction, of atonement, which is at the disposal of the whole people of God. St. Paul emphasizes, in his second Epistle to these same Thessalonians, the glory of Christian patience, which renders the sufferers so dear to God: "We ourselves also glory in you in the churches of God, for your patience and faith, and in all your persecutions and tribulations: which you endure for an example of the just judgment of God, that you may be counted worthy of the Kingdom of God, for which also you suffer." (II Thes. i. 4, 5.)

V. The realization of this kind of unity in the Church is the personal work of everyone of us. Very often it is a work that is difficult, we are so prone to a sort of exclusiveness, even in our spiritual outlook, even in our efforts at piety. Then there are also many prejudices to be overcome, animosities, racial and social hostilities. We have no wish to be in spiritual communion with people and nations that are to us like so many evil institutions. Everything that in any way embitters man against his fellow-man, or makes him despise or push aside another, is a grave obstacle to a practical faith in the mystical Body of Christ. So there might be danger that with a dogmatic faith in the oneness of the Church we should yet in reality be devoid of the essence, the spirit of that faith, which is community of life in prayer, patience and charity. Let us think often and lovingly of the good examples set us by other Catholics

at home or abroad. Let us be careful not to be impressed by the campaigns of calumnies against Catholic peoples and institutions, which are weapons of war most constantly used by Satan. We should rather sympathize with those Catholic nations who are suffering persecution, and feel the richer for their patience. It may not be a popular thing to say, but it is a great fact, that Catholics all the world over are a spectacle to angels and to man for their loyalty to Christ.

Last Sunday after Pentecost (November 26th).

Epistle. Col. i. 9-14.

"Being fruitful in every good work"—v. 10.

I. It is of supreme importance in our Christian life to possess a vivid faith in the excellency of good works. We know as a matter of Church history that the traditional doctrine of good works was thrown into the melting pot, as it were, at the time of the so-called Reformation. There took place then a phenomenon which has had parallels at other periods of human history, namely, that truths which till then had been universally received seemed all at once to shake on their secular foundations and the minds of men became strangely bewildered. There went forth through Christendom the word that man was not really capable of good works, but that Christ, the Redeemer, had done so immeasurable a sufficiency of good works that man was not in need of personal achievement. So his inability to perform them was in reality no misfortune. As always happens in the days when the Church suffers one of her great trials, the issue was so involved, there was so confusing a mixture of truth and falsehood in the minds of the innovators, that even the elect might have been deceived but for God's providence. The heretics constantly used Catholic phrases and orthodox formulas when their true meaning was diametrically opposed to Catholicism.

II. The holy Council of Trent dispelled all those clouds and once more made it clear for all men of goodwill that it was in their power to do good, to merit, to become rich in Christ, to amass spiritual wealth that would last for all eternity. The Council gave us that wonderful doctrine of the Christian's union with the Incarnate Son of God, through which all our good works are truly the works of Christ in us. Christ is the Vine, we are the branches; His life goes through everyone of us. So all our good works have more than a human value, they have also a divine aspect as being Christ's own fertility in His members. Thus all our good works are indeed everlasting realities, participating in the life of Christ which is eternal. Unless we fall away from grace, whatever supernatural work we do remains for all ages to come as an acquisition to our soul in grace and in glory.

III. It is one of the most constant teachings of Catholicism that meritorious works are possible to man only during his mortal life. After death no one can merit. Even Christ made

Himself subject to the law which confines merit to the present life. Death is the end of all progress in merit: "I must work the works of him that sent me, whilst it is day: the night cometh, when no man can work" (John ix. 4). After death comes the dispensation of reward, whilst the present life is the dispensation of merit. This is the profound reason of all spiritual fervour. The saints felt with Christ that they ought to walk, to be active, to exert themselves in every possible way whilst they were on this earth; so we find them generous in the service of their Lord to the very end. It may be that they alter the nature of their activities, but they never relax their intensity. It often happens that some great servant of God, after many years of most active service in the army of Christ, disappears from the scenes of external usefulness; he seems to retire; perhaps circumstances compel him to leave the cherished field of his spiritual exploits. But a little observation reveals the fact that the good soldier of Christ is far from taking a rest. Spiritual activities have replaced external ministries, and an intense life of prayer is practically the occupation of most of God's servants to the very last hour of their life. The Holy Ghost never seems to give them any rest, and often great spiritual struggles of a mystical nature add to the crown of those valiant veterans of Christ.

IV. That good works are always within our reach is one of the greatest blessings of our Catholic life. Contact with non-Catholics, chiefly with those who are brought up in religious indifference, makes it even more clear to us how exceptional a blessedness we possess as Catholics. We see that such people find it really difficult to do good works, except the ordinary human services which are expected of all men and most of which have no supernatural character. But, in the field of spiritual activity they are amazingly awkward, through sheer ignorance of the things of God, through an almost complete absence of such habits of thought and will as would enable them to bear fruit in the Lord. A Catholic soon finds himself at home in the workshop of God. He knows where to find the tools of the spiritual craft. Prayers, the Sacraments, the innumerable and varied activities of a Catholic parish are works that he can readily do, and he knows that in doing them he is busy for God. The wonderful sacrament of penance makes him a fine discernor between good works and bad, between a useless life and one sincerely dedicated to God. It is in that sacrament that the words of Christ come true in a special manner: "I am the true vine: and my Father is the husbandman. Every branch in me that beareth not fruit, he will take away: and every one that beareth fruit, he will purge it, that it may bring forth more fruit. Now you are clean, by reason of the word which I have spoken to you" (John xv. 1-3).

V. There is a form of good works which we should value above all others, one special kind of spiritual fertility: I mean those good works which will be the seed of other good works in the manifold ramifications of the Catholic Apostolate. We

are called to be God's fellow-workers in the field of divine fertility; we are allowed to help in the conversion of souls, in many, nay, innumerable ways. Through our fruits in the Spirit, other men become fruitful and so *in infinitum*. For truly there is no end to the resourcefulness of our good works; they are everlasting, not only as merits, but also as powers to influence our fellow-men. Such works seem to possess an additional, Christ-like character, for of the works of the Son of God it is said that they are the cause of all the good works of the saints through all the ages. It might seem to us at times that appeals to our charity are too frequent, that our Catholic life is spoilt for us through those unceasing needs of the Church all over the world which are constantly being pressed on our attention. At the hour of death we shall bitterly regret that we have not done more for the Church. The Christian's blessedness is in the memory of that spiritual progeny of charitable works which he leaves behind but which is following him like a *cortège* of glory: "And I heard a voice from heaven, saying to me: Write: Blessed are the dead who die in the Lord. From henceforth now, saith the Spirit, that they may rest from their labours. For their works follow them." (Apoc. xiv. 13.)

NOTES ON RECENT WORK

I. DOGMATIC THEOLOGY.

BY THE REV. GEORGE D. SMITH, D.D., Ph.D.

Dom Renaudin, whose previous work on the Assumption is well known, has now published a further book on the same subject: *Assumptio B. Mariae Virginis Matris Dei—Disquisitio Theologica*.¹ The author's earlier work, published in 1913, was designed specifically to answer the question: Can the doctrine of the Assumption be defined as a dogma of faith? This, on the other hand, is a more or less complete treatise on the Assumption which, though schematic in form, presents clearly and without superfluous comment the bulk of the theological evidence. How strong that evidence is may be seen especially in Chapter VII, where we are given a catena of texts on the Assumption, stretching from the sixth century to the year 1931; and I would venture to say that this chapter alone would make the little volume a valuable addition to the theologian's library. The chief difficulty in this matter, of course, has always been to account for the silence of the authentic documents of the first five centuries, inexplicable, it might seem, in the hypothesis that the doctrine is of apostolic origin. In this connection the author makes appeal to oral tradition, opportunely quoting the words of Malou on the subject of the Immaculate Conception: "Plusieurs croient que les vérités traditionnelles ne peuvent être rigoureusement prouvées qu'à l'aide d'une série de témoignages explicites, que l'on étale siècle par siècle, que l'on attache aux lettres de saint Clement ou aux traités de saint Justin, et que l'on conduit d'un âge à l'autre jusqu'à l'époque de saint Bernard. Dès qu'on ne palpe pas de la main ces attestations matérielles, des que la chaîne n'est pas complète et continue, ces auteurs s'imaginent que la tradition fait défaut et qu'on ne peut raisonnablement l'alléguer. C'est là une illusion, pour ne pas dire une erreur" (p. 159). Regarding the divine origin of the doctrine of the Assumption Dom Renaudin has some interesting remarks in his first and twelfth chapters. Without attempting to outline the proof which he gives that this doctrine is divinely revealed, I think it worth while to call attention to one point upon which he rightly lays considerable emphasis. It is that the Assumption is not merely a fact of the historical order, but a doctrine in which the supernatural is involved, and therefore of its very nature outside the sphere in which purely historical evidence can provide perfect certitude. The doctrine of the Assumption states that Mary is now, body and soul, glorious in heaven. The doctrine as such makes no

¹ Marietti, Rome-Turin, 1933. 12 lire.

statement as to the manner in which Our Lady's body has been transferred to heaven, still less does it rest upon the historical evidence, whether direct or indirect, of any who may have seen the event take place. So far as the doctrine itself is concerned, the translation of Mary's body may have happened in such a way as to be invisible to mortal eyes. If, therefore, it is known with absolute certainty that the immaculate body of the Blessed Virgin is now glorious in heaven, it can be known only through divine revelation, either as formally contained in the original deposit, or as deduced therefrom by way of a legitimate theological conclusion.

Less important as a contribution to scientific theology, but more popular in its appeal, is L. Garriguet's *La Vierge Marie*² of which a new edition, the eighth, now appears. The author disclaims any attempt to write a work of deep erudition; he is content to expound and explain the accepted teaching of theologians concerning the dignity, the privileges and the function of the Mother of God. For those who are content with this, and have no desire to follow the theologians of the last twenty years in their more subtle analysis of such problems as the mediatorship of Our Lady and her co-operation in the Redemption, nothing could be better suited than the present work.

Another new edition, but in this case so revised and augmented as to constitute practically a new work, is that of *Del Miracolo*, by His Eminence Cardinal Lepicier.³ This volume is one of a series entitled "Manuali Cattolici" and is in effect a complete philosophical and theological treatise on the subject of miracles. It might appear at first sight surprising that the subject should demand so lengthy a treatment as that accorded to it in these 600 pages. But the book really contains more than is promised by its title. Most of the manuals dealing with this matter are confined to a discussion of the nature, the possibility and the discernment of miracles. His Eminence has included in his book a fairly detailed treatment of the hypostatic union and of transubstantiation, as well as an explanation of the physical effects of Extreme Unction. Much space is devoted to discussing whether these are miracles; and perhaps not very usefully, since the distinction—mentioned by the author on page 207—between the apologetic and the theological aspects of the miracle, had it been introduced earlier in the discussion, might have served to clarify the situation once and for all. On the other hand, the drawback of being somewhat diffuse is compensated by the enormous amount of useful material which the work provides for the seminary student. It is a pity, however, that it cannot make a wider appeal; for the severely scholastic terminology and Thomistic conciseness of argument which characterize the Cardinal's work must confine its usefulness to those who have been trained in the schools.

² Téqui, Paris. 1933. 460 pp. 15 francs.

³ Societa Anonima Tipografica, Vicenza. 1932. 24 lire.

The volumes of that most useful French series, *Bibliothèque Catholique des Sciences Religieuses*, continue to maintain a very high standard of excellence, and not the least interesting of them is that contributed by M. A. Verrièle: *Le surnaturel en nous et le péché originel*.⁴ The first two chapters are devoted to an explanation and vindication of the Catholic idea of the supernatural, and the author, who is endowed with the rare gift of instructing without appearing to do so, contrives in the space of a hundred pages to present a most luminous exposition of this basic Catholic doctrine. Carefully avoiding the excesses of those who would find in man's nature a positive exigency for the supernatural, M. Verrièle has no sympathy, on the other hand, with those who in stressing its gratuitous character destroy its continuity with the nature of man as a rational being. Grace is not merely an extrinsic addition to nature, it is its supreme achievement and perfection, "son achèvement dernier, auquel elle est par essence ordonnée radicalement, mais sans que, de soi, elle puisse le réaliser ou y avoir exigence" (p. 59). Theoretically man's nature is complete in itself, theoretically it might have achieved a natural end. But in God's plan—and man is real only so far as he is the effect of God's plan—man is a being destined for the supernatural, for the beatific vision in which he achieves at the same time his own happiness and God's glory. The unity of God's plan in man's regard is a cardinal point in the author's treatment, and the same leading idea gives a special value to his exposition of the doctrine of original sin, which occupies the remaining five chapters of the book. M. Verrièle is not content, in company with the majority of Catholic apologists, to show only that the dogma of original sin is not incompatible with the justice and wisdom of God. He goes much further; for he sees in this dogma a supreme proof of the divine mercy and goodness. He deprecates the attitude of theologians who divide God's plan into two, one of which should take effect if man sinned, the other if he remained in the state of innocence. God has one plan for the distribution of grace, and in that plan the fall of man, eternally foreseen, has an integral place. Original sin introduced a modification into the manner in which grace was dispensed, but it introduced no modification into the eternal design of the Creator. In the author's view it would be inaccurate to say that God originally intended the state of innocence to be transmitted by generation until the end of time, and that the sin of Adam in some way hindered the divine project, necessitating the subsequent plan of the Redemption. The truth is that God planned things as they actually happened, and the original state of innocence, the fall of man and his redemption are all phases in the execution of God's beneficent design. "Ainsi, dans la prévision, et selon l'ordre providentiellement voulu l'état premier d'innocence, doté des faveurs originelles, était seulement l'exception, une phase d'attente et

⁴ Bloud et Gay, Paris. 1932.

de préparation pour ce qui allait suivre. L'état second, au contraire, une fois commencé le péché, c'était bien l'état prévu et voulu dès l'abord comme définitif pour l'humanité, à jamais. Le définitif, selon le dessein divin, ce serait une économie de Rédemption du péché de l'homme, tout en même temps que d'élévation de celui-ci à la grâce de la filiation divine, indissolublement. Et cette économie d'universelle Rédemption serait très naturellement préparée par un temps originel d'innocence favorisée" (pp. 105-106). Thus the dogma of original sin and that of the state of innocence which preceded it no longer present the spectacle of a divine plan which has gone awry; they are simply the providential preparation for a Redemption eternally planned as the sole means of grace for all time. Such is the author's main thesis and, while space does not allow us to follow him in its development, it may be said that here is much that is new, much that is admirable, much that provides food for thought.

II. PHILOSOPHY.

BY THE REV. T. E. FLYNN, Ph.D., M.A.

Under the title *Praelectiones Theologiae Naturalis* there appears from the house of Gabriel Beauchesne the first volume of what promises to be a work of capital importance. The name of the author, Père Pedro Descoqs, is in itself a guarantee of thoroughness of treatment. We are promised two more volumes, one of which is to appear this year. The present one is entitled *De Dei Cognoscibilitate*. Although we are assured by the author in his foreword that the matter of the volume has all been the subject of classwork, this is no mere text-book. It is far too big for that. But it is so conceived and constructed that students will be able to consult it easily on any section in which they are particularly interested. And the professor will not be able to pass it by, for it reviews the whole subject with a completeness of detail that makes it invaluable.

There is a general introduction to the subject, which contains a remarkable third chapter on *Critica*. Here the learned author traverses the opinions of Père Maréchal, and declares himself in favour of the more conservative school of Thomistic doctrine. Then we have two main sections of the work.

Of these the first is entitled *Via ad Argumenta*. In its second chapter the argument from universal consent is established as persuasive and confirmatory, and the various systems which attempt to explain it away are refuted.

The second section deals with the traditional valid arguments. The introduction to this is devoted to a discussion of the Process to Infinity, and it is an excellent example of Père Descoqs' didactic method: his clear definitions and distinctions, his checking of different usages of the same terms so confusing to the student in modern treatises, his objections and answers. The fifth chapter on the theological argument is an illustration

of the completeness of the treatment. The articles four and five, for example, deal with Chance and Evolution respectively. In the first the author gives a satisfactory answer to the teasing objection based on the calculation of probabilities. In the second he presents us with criticisms of Bergson, of Le Roy and of Transformism. This last, which is largely based on the classic work of Vialleton, is excellent. A note is appended on the question of the origin of the human body. Here the author seems to align himself with those who "à la suite de Père Sinéty . . . non seulement en raison du manque de toute preuve scientifique consistante, mais aussi pour des motifs dogmatiques, ne voudraient pas étendre au corps de l'homme le processus de l'évolution ni lui reconnaître une origine animale." But, he continues, "pour être complet, ajoutons cependant qu'un certain nombre de savants et exégètes catholiques, à l'heure actuelle, pensent différemment et que, s'ils n'admettent pas le *fait*, parce qu'ils estiment, eux aussi, qu'il n'est pas encore prouvé, ils n'en rejettent pas du tout la *possibilité*, soit du point de vue scientifique, soit du point de vue scripturaire et dogmatique." And here he takes note of Dr. Messenger's recent work ("le dernier que nous connaissons"), "Evolution and Theology." After a brief statement of Dr. Messenger's position, he asks: "Mais ne rompt-il pas aussi tout le charme de la théorie aux yeux modernes?" While observing this disagreement, it is pleasant to read on: "Voici les dernières conclusions de l'auteur: elles sont empreintes d'un louable esprit de sagesse et de prudence. . . ."

The third section deals with the invalid arguments. The first of these is the intuition of the ontologists. As always in this book, the argument to be refuted is presented in its complete historical setting. Then comes the ontological argument in its various forms from St. Anselm, through Descartes, to the moderns. A final chapter criticizes the arguments from religious experience.

Enough has been said to give a hint (but it is no more than a hint) of the very wide horizons of Père Descoqs in this book, and, I hope, to indicate the richness of the material here offered. It remains but to say that all this array of learning is set out with a clearness that makes the book easy to consult, and that there are two copious indexes of names and of subject matter. The book contains 732 pages large 8vo. and costs 100 francs.

As it was in Pagan days, so again now, the world is sick through materialism. The only way to cure the disease is by securing right thinking, and this can be accomplished only by a return to Christian philosophy. Such is the fundamental thesis of an interesting little book by M. Régis Jolivet, Professor of the University of Lyons.¹ In a sense, which he defends and explains at length, he claims for scholastic philosophy the title of Christian; and Thomistic philosophy is the most typical form of scholastic philosophy.

¹ *La Philosophie Chrétienne et La Pensée Moderne.* pp. vi.+227. Téqui, Paris.

With this philosophy he contrasts modern philosophy in its various forms, and this is the most valuable part of the book. For M. Jolivet takes occasion here to give a rapid but highly informative sketch of the growth of modern thought. He traces its origin to Descartes, of whose intentions, as contrasted with his achievement, he gives an excellent account.

He observes a movement of return to sanity in the present-day interest in Scholasticism, and indicates the value of Bergson's work in breaking down the materialist tradition. This section of the book should prove valuable to students as a pedigree of modern errors and as a chart of future progress.

Messrs. Sheed and Ward have produced in a cheap edition (6s.) their translation of M. Jacques Chevalier's *Pascal*, which they first published in 1930. It is a handsome volume of 336 pages which tells in glowing terms the story of the life of this typically French genius, commenting chiefly on his mathematical and theological eminence. His philosophical contribution is to be gathered incidentally, but there is a chapter devoted to his Method.

Very different from Père Descoqs' book, but still in the domain of professional philosophy, is the posthumous collection of papers and addresses by R. P. Joseph le Rohellec, C.S.Sp., assembled as a tribute to his memory by two of his friends.²

Père le Rohellec was for many years *ripetitore* and professor at the French seminary and Lateran university in Rome, and many of these papers show the pedagogic interest of a man who is determined that his students shall have clear conceptions of great principles. His constant lucidity is sometimes emphasized by schematization, which would be very useful to a student.

The papers of the first half of the book deal with the theory of knowledge, those of the second with the fundamentals of moral philosophy. In the nature of the case there is a certain amount of repetition.

The first half treats of sensible knowledge, simple intellectual perception, moderate realism, etc. This is followed by a long and useful discussion of analogy. A final section is devoted to an attack on idealism with particular reference to Gentile.

In the second half there are papers criticizing the modern positivist schools of moral philosophy, and these are followed by a constructive statement of the metaphysical foundations of morality.

Some interesting points appear in a series of appendices. There is the report of a controversy between Père le Rohellec and M. Noel on the subject of illationism in which doctrine the author had been inclined, together with Père Géný, to involve the teaching of the Louvain School on the theory of knowledge. As the result of the discussion the Roman professors exonerated M. Noel and conceded that the disagreement was largely a matter of expression.

² *Problèmes Philosophiques*. pp. xiii. + 370. Téqui, Paris.

In another article on the rôle of the imagination in metaphysics the author attributes to an undisciplined use of the imagination many of the errors of the disciples of St. Thomas in the sixteenth century. Many of his allegations are doubtless well founded, but it is amusing to observe how very easy it is to put down to this rather crude psychological defect an opponent's views on the real distinction of essence and existence. His remarks and the illustrations of them will serve as a warning to less accomplished philosophers. It is interesting to speculate on the ground of the apparent difference of capacity for metaphysical thought between the frequenters of the schools of the thirteenth century and the students of philosophy to-day. Is our present difficulty perhaps associated with the long and tyrannical reign of the mechanical imagery to which every schoolboy is subject and the shackles of which he must throw off before his mind is free to move easily through the concepts of metaphysics? His intellectual progress still demands the use of images, as St. Thomas teaches definitely, but these images are of a lighter and less rigid character.

M. Maritain's *Minor Logic*³ appears in its eighth edition, revised and corrected. It is the second volume of the full course of philosophy which he announced when publishing his *Introduction Générale* some three or four years ago. The book gives an adequate treatment of the elements of minor logic: the concept, the proposition, reasoning deductive and inductive. Many of the subjects often treated in manuals of logic are reserved for his volumes on major logic and critica. The most characteristic feature of this volume is the author's adherence to his principle of constant reference to the traditional scholastic teaching. More advanced matter is printed in smaller type, and marginal synopses are employed throughout.

³ *Elements de Philosophie, T. II, L'Ordre des Concepts, 1 Petite Logique.* Téqui.

MORAL CASES

THE NATURE OF THE MASS OFFERING.

The ordinary view, which appears to be accepted by most of the modern manuals, regards the obligation of saying Mass for the intention of the donor of a stipend as arising from a contract of commutative justice. This explanation is open to many objections and I would like to know whether another, and I believe older theory, can be held, namely, that the stipend is an *offering* on the part of the donor, which on acceptance gives rise to certain obligations on the part of the priest, which obligations arise not strictly from commutative justice but from the law of the Church. (W. E.)

REPLY.

Keller, in his study of the Mass Stipend, after remarking that almost every author who has written on the subject has thought out his own hypothesis, states that "the most common, as well as the most satisfactory explanation of the nature of Mass stipends is the theory of the *innominate contract*, which was proposed by Suarez and defended by Cardinal Gasparri. This is, as our correspondent states, the common view and it is practically taken for granted by many writers. It belongs to the class of *innominate contracts* known as "do ut facias," and gives rise to an obligation of commutative justice.¹ But the commonly accepted view on a disputed topic is not always the correct one. There have always been authorities who, for serious reasons, have not accepted this solution, and have regarded the Mass offering as a gift rather than a matter of contractual obligation. The arguments used may be elaborated on the following lines:

(1) In the first place, the notion of a strict contract in the matter appears to be foreign to the mind of the Church. Interpreting the instructions of the Council of Trent, Session XXII, *De Observandis*, the Code does not speak of a contract but simply "licet stipendium recipere" (Canon 824) and "A stipe Missarum quaelibet etiam species negotiationis vel mercaturae omnino arceatur" (Canon 827). But all sorts of other ecclesiastical obligations and services, for example, Capitular distributions, are dealt with on a strict contractual basis. An adequate support is due to the priest, and if it is not forthcoming he has a grievance; in places where *bona ecclesiastica*, which provide his living, are chiefly collections from the people, he can explain to them that they are not giving sufficient. On the

¹ Keller, *Mass Stipends*, page 27; Gasparri, *De Eucharistia*, I, p. 394; Prümmer, *Theol. Moralis*, III, §265; *Collationes Brugenses*, XXII, p. 378.

other hand, the control of *bona ecclesiastica* is not in the free disposal of the beneficiary; the administration of these monies is supervised by the Church, and the priest is under a grave obligation to apply any superfluity to charitable purposes (Canon 1473). But the Mass offering is not included in *bona ecclesiastica* and it remains in the free disposal of the priest. He has no legitimate grievance if these offerings are not forthcoming, and he would be altogether in the wrong if his complaint took the form of telling the people that they were wanting in their duty towards him, in not giving sufficient Mass offerings.

Moreover, far from regarding the Mass offering as a sum to which the priest is entitled in return for saying Mass for a given intention, the Church requires parish priests and others to say Mass for the people on Sundays and certain Feasts without a stipend, and the acceptance of such is gravely forbidden even for the Second Mass which might be celebrated on those days (Canon 824, §2). In addition, the Bishop has the power of adding to these obligations of the common law by requiring Mass to be said occasionally without a stipend.²

An obvious objection to this view turns on the very serious obligations which arise, once a stipend is accepted; for the easiest way of explaining them is by supposing that their non-observance is a violation of commutative justice. But another explanation is forthcoming: the obligations arise from the angle of obedience to the positive laws of the Church. "...the obligation on the part of the priest towards the person who makes the offering is not generated by the acceptance of the stipend, nor directly by any agreement between the parties, but solely by the will of the Church."³ The reasonableness of this view is supported by the fact that smallness of matter does not make the obligation light, as it does in every other contract of commutative justice; it is always *sub gravi* to say the Mass or return the stipend. From this rule, and from innumerable other legislative details, it does seem that the ordinary contractual obligation is so superseded by positive law that we may rightly conclude that the obligations themselves depend on these positive enactments.

(2) Secondly, the intention of the donor may have some bearing in deciding the nature of the Mass offering, although, seeing that the professional canonists are not agreed, we might expect to find a bewildering choice of ideas in the minds of the faithful. No doubt, in many cases, the offering is made with the intention of setting up a contracted debt of justice; in some cases, a very ignorant person's intention might be, in perfect good faith, frankly simoniacal. But if we look at the subject in the generality of cases, I think it is true to say that the faithful make these offerings distinctly as gifts, as something over and

² Cf. CLERGY REVIEW, III, p. 326.

³ *American Ecclesiastical Review*, XXXIX, p. 239.

above the support they are bound to give in justice to the clergy. Many people, while contributing most generously to the support of their pastors, never make a Mass offering at all. Even in cases where the person's mind is primarily fixed on the application of Mass for his intention, it does not follow that the offering is regarded as a necessary condition for obtaining this benefit. Everyone experiences a certain reluctance in seeking a purely gratuitous favour, and it is a natural thing, when asking for it, to make a gift to the priest, an alms, "eleemosyna." Another example might make the point clearer. If a priest is wanted to say Mass in a country house at some distance, the financial arrangements might easily take the form of "negotiatio" between the householder and the priest or the diocesan authorities; but even "species negotiationis" is forbidden with regard to the Mass offering. In the one case it is a matter of commutative justice, in other it appears not to be. The priest in question, over and above what is strictly his due, on a title of justice, may take an alms, an offering, for the application of the Mass.

(3) Lastly, an argument in favour of the view we are explaining may be drawn from the nature of the Mass offering itself. "... sacerdos non accipit pecuniam quasi pretium consecrationis . . . sed quasi stipendium suae sustentationis."⁴ Various suggestions have been made, both by ancient and modern authors, in order to avoid even the suspicion of simony in the acceptance of Mass offerings. De Lugo sees an analogy with the painter who paints a picture gratuitously, yet accepts money for his daily sustenance and for the necessary materials.⁵ Layman suggests that the money is paid for the extrinsic labour incident on the celebration of Mass,⁶ and various other subtle distinctions have been employed, any one of which we are free to accept. Generally the authors who admit that there is a contract of commutative justice do not hesitate to regard the offering and the application of the Mass as being the two terms of the contract.

Fr. M. de la Taille, S.J., proposes an explanation which is somewhat new, though based on ancient practice.⁷ In the Old Law, in the case of those sacrifices which were not entirely destroyed by fire, the priest shared in what was offered to God, and in the New Law the same is true *mutatis mutandis*. The resemblance was more close in early days, when the offerings of the faithful were made in kind, but there are still traces of the rite in the Roman Liturgy, for example, the bread and wine offered in the Mass of episcopal consecration. In modern times a gift of money takes the place of offerings in kind. It is not a contract "do ut

⁴ *Summa Theol.*, 2-2, 100, art. 2.

⁵ *Vives*, ed. IV, page 275.

⁶ Cf. *Gregorianum*, IV, p. 370.

⁷ *Mysterium Fidei*, p. 339; *Gregorianum*, IV, pp. 355, 557.

facias" but a mandate accepted by the priest offering Mass "do ut des (scilicet Deo)." The priest is remunerated by God to whom the gift really belongs. On this explanation the part of the faithful is dignified; they are a priestly race offering gifts to God. The part of the priest is dignified: he is not the stipendiary of the faithful but of God, and he must either offer the gift as requested or return it to the donor. All the details of ecclesiastical legislation fit in easily with this rather fine and satisfactory theory, and it would appear to be the idea actually in the minds of the faithful, in a confused manner, when making an offering.⁸

As opposed to all these explanations there is the very simple theory that the offering is a gift to the priest. Van Espen amongst the older canonists prefers this to any other solution "Hodiernum missarum honorarium speciem quamdam esse voluntariae oblationis . . . sicut laici illud tanquam Deo acceptam oblationem sacerdoti offerre debent, ita quoque illud sacerdotes non tanquam pretium missae, sed ut voluntariam oblationem grato animo accipere tenentur, unaque ostendere se velle Deo voluntarie sacrificare."⁹ Scotus teaches a similar doctrine, "Nec intelligo strictam obligationem per conventionem legalem, sive per commutationem spiritualis ut orationis pro temporali ut eleemosyna quae data est: quia illa videtur simonia. Nec valet dicere, quod sacerdos commutaret pro aliquo temporali suum laborem corporalem: quia non est verisimile quod aliquis vellet sibi tantum dare pro labore corporali in illo actu. Sed eleemosyna liberaliter offertur, cum mendicatione orationis, et recipiens eleemosynam tenetur . . . liberaliter, scilicet, sine conventionem et commutationem, obligat se ad orandum pro benefactore."¹⁰

Throughout this discussion the ordinary "manual" Mass has been kept in view. If it is a question of a benefice to which the application of a number of Masses is attached by the pious founder, there is scarcely room for regarding the obligation as anything else but a debt of strict justice. Whatever solution is adopted, it does seem preferable to speak always of the Mass offering, alms, or gift, rather than of the Mass *stipend*. *Eleemosyna* is used just as commonly as *stipendium* by canonists, and it has the advantage of making more remote that "species negotiationis vel mercaturae" so consistently forbidden by the Church.

E. J. M.

MASS IN DOMINICAN CONVENT CHAPELS.

In this part of the Vineyard our valued helpers are the

⁸ A somewhat similar view is held by del Giudice, Cf. *Ephemerides Theologicae Lovanienses*, III, p. 393.

⁹ *Jus. Eccles. Universum*, P. II, t. iv. c. 6, p. 295, ed. 1729.

¹⁰ *Quodlibet*, XX, ed. 1755, p. 278.

Dominican sisters. According to a response of the S.C.R. quoted in *Analecta Ordinis*, 1920, all celebrating Mass in the chapels of the Dominican Sisters are bound to follow the Ordo used by the sisters for the recitation of the Office. The following questions arise :

1. Did this response ever appear in the *Acta Apostolicae Sedis*, and if not, has it any binding force on secular priests?
2. Can the sisters be said to *follow* the Ordo when they recite daily the Little Office of the B.V.M. and only *commemorate* the feasts mentioned in the Ordo?
3. If priests celebrating Mass in Dominican Convents are bound to follow the Ordo, is it sufficient to take the Mass from the *Common* in the Roman Missal?
4. May a secular priest use a Dominican Missal in spite of the differences in the Canon? (AFRICANDER.)

REPLY.

The rubrics of the Missal (*Additiones et Variationes*, IV, 6) decide, in substance, the queries raised : " Omnes et singuli sacerdotes, tam saeculares quam regulares, Missas, etsi Regularium proprias, omnino celebrent juxta Kalendarium Ecclesiae, vel Oratorii publici, in quo celebrant; exclusis tamen peculiari-bus ritibus Ordinum et Ecclesiarum propriis. Idem servetur in Oratorio semi-publico, sive in Cappella principali Seminariorum, Collegiorum, piarum Communitatum, Hospitalium, Carcerum et similium. . . ." This rule summarizes many previous decisions of the *Congregation of Rites* since July 5th, 1895, previous to which date it was necessary that a priest's Mass should correspond with his Office on days of double or equivalent rite; it also simplifies the law which formerly used to be most intricate and difficult to observe. The rubric repeats the text of this decree of 1895. Cardinals and Bishops enjoy the privilege of saying Mass according to their own Calendar, no matter in what church they may be celebrating. It will be noted that the criterion is not specifically the recitation of the Office, but simply the Calendar proper to the Church or Community.

ad 1. In the absence of the date of the decree, a reference to the A.A.S. cannot be given. It is probably that of December 15th, 1899 (*Decreta Authentica*, n. 4051, ad II) : " In Ecclesiis alicui Religiosae Familiae concredit, Sacerdotes exteri in illis celebrantes tenentur ne sequi Calendarium eiusdem Familiae proprium, si habeatur? *Affirmative.*" The rule is binding on all secular priests who say Mass in the Communities of Religious who have a proper Calendar. Besides Dominican Nuns, there are two Third Orders of Dominican Sisters, and any doubt concerning the right of the latter to a proper Calendar may be solved by relying on the statement printed in the *Analecta Ordinis*. The majority of Congregations with simple vows have

no proper Calendar, and that of the diocese must be followed, even though the visiting priest enjoys a proper (n. 4248, ad II). Certainly, the Sisters of the Third Order of St. Francis are entitled to follow the Calendar of the male branch of Franciscans to which they are attached (*Decreta Authentica*, n. 4132), and it is reasonable to suppose that the Dominican Sisters enjoy a similar privilege. Augustine seems to hold this quite definitely, although the decree quoted in its support is not strictly *ad rem*. (*Liturgical Law*, p. 297). But it may happen that a chapel, the property of the diocese and serving the needs of the faithful, is used habitually by a community with a proper calendar; in this case the diocesan *ordo* should be followed.

ad 2. The answer, I think, must be in the affirmative, since the point to be established is not whether a proper office is actually recited, but simply whether the Community has the right to a proper Calendar.

ad 3. "... if the Mass is not contained in the Roman Missal, all priests, whether secular or Regular, must use the Missal of the Order or Community wherein the particular Mass is given." This is the interpretation given by a writer in the *Irish Ecclesiastical Record*, 1921, Vol. XVII, p. 306, and it seems to be a necessary consequence of the general rule just explained.

ad 4. A secular priest, though bound by the rules regarding the local Calendar, must always say Mass according to the Roman Rite. This liturgical rule is a most grave one and is expressed in Canon 819, as well as in the Rubrics of the Missal. If there is no Roman Missal in the chapel, or if it does not contain the proper, a Dominican Missal may be used for the proper, provided the Ordinary and Canon of the Mass is said according to the Roman Rite. The textual differences are slight and occur chiefly in the prayers accompanying the fraction of the Host and the Communion. A priest of the Roman Rite would know these parts by heart, and in many Dominican churches, special Altar Cards are provided containing the variations. (Cf. O'Callaghan, *Sacred Ceremonies of Low Mass*, 1924, p. 193; Wuest, *Matters Liturgical*, 1926, p. 210; Gasparri, *De Sanct. Eucharistia*, n. 842.)

E. J. M.

VALID ASSISTANCE AT MARRIAGE.

May a curate validly assist at marriages, within the boundaries of the parish to which he is attached, in the absence of the parish priest, even though he has received no express delegation for this purpose from the Ordinary or from the parish priest? (P.G.)

REPLY.

Custom and practice in this important matter varies very much in different English dioceses. That some delegation is

necessary is patent from Canon 1094: "Ea tantum matrimonia valida sunt quae contrahuntur coram paroco, vel Ordinario loci, vel sacerdote ab alterutro delegato et duobus testibus, secundum tamen regulas expressas in Canonibus qui sequuntur, et salvis exceptionibus de quibus in Cann. 1098, 1099." In many dioceses the faculty is expressly conceded to curates from the Ordinary, with the reservation that for the lawfulness of its exercise permission from the parish priest is required. In others it is not expressly conceded but it is generally understood that curates do enjoy this power. One formula, while conceding the power to assist validly at all marriages, adds: "Declaramus igitur Vicarios cooperatores facultate matrimoniis assistendi contra apertam Parochi prohibitionem uti valide non posse."

We will suppose, therefore, that the pagella of faculties held by a curate (in the strict sense of *vicarius cooperator*) neither concedes nor withholds expressly the faculty of validly assisting at marriages. We will have to suppose, in addition, that the parish priest has not declared his mind on the subject. The canonical question, therefore, is whether all curates, by reason of their appointment to a parish, *ipso jure* possess the power to assist at marriages, within the boundaries of the parish, in the absence of the parish priest.

It is surprising that so grave a question remains still in doubt, to some extent. The Codex Commission, May 20th, 1923 (Cf. also December 28th, 1927), in answer to the question whether the *vicarius cooperator* could sub-delegate another priest for a particular marriage "in scio paroco," stated that the situation was provided for in Canon 476, §6, which runs as follows: "Eius jura et obligationes ex statutis dioecesanis, ex litteris Ordinarii et ex ipsius parochi commissione desumantur; sed, nisi aliud expresse caveatur, ipse debet ratione officii parochi vicem supplere eumque adjuvare in universo paroeciali ministerio, excepta applicatione Missae pro populo." This reply, if anything, seems to take it for granted that the *vicarius cooperator* can himself validly assist at marriages; but not only his power to sub-delegate but his possession of delegation is to be decided from Canon 476, §6. If he is not himself delegated, his power to sub-delegate obviously cannot exist. It is indubitable that the Ordinary can withhold the power to assist at marriages from the curate's faculties and, in this event, the parish priest can likewise withhold it. But, if neither Ordinary nor parish priest express their will, it would appear that the latter part of Canon 476, §6, supplies this defect, in the absence of the parish priest.

This is the view taken by a writer in *Jus Pontificium*, 1932, page 307, following a previous similar decision by another writer 1930, page 341. The conclusion is arrived at on an analogy with the obligations of the parish priest to provide a *vicarius substitutus*, during his absence from the parish, who certainly has power to assist validly at all marriages (Canons 465, §5 and §6; 474). It is superfluous to expect the parish

priest to appoint someone to take his place, if he has a curate whose office it is "parochi vicem supplere eumque adjuvare in universo paroeciali ministerio."

This solution commends itself as the correct one, but it is open to serious objections, which have been consistently put by writers in *Apollinaris* (1932, page 493; 1933, pages 110, 229). For, if the power of a *vicarius cooperator* to assist at marriages is possessed *ipso jure*, it could not be restricted by the Ordinary or the parish priest; but all admit that it can be restricted. The power to assist at marriages is one of the functions expressly reserved to the parish priest (Canon 462, n. 4), and is not possessed by the *vicarius cooperator*, unless granted by the Ordinary or by diocesan statutes or by the parish priest. "Eo ipso quod vicarii cooperatores constituuntur, nequaquam censendi sunt delegati ad assistendum matrimoniis. Nonnulli contrarium deducere voluerunt ex Canon 476, §6; sed immerito. Nam si iste canon tribueret facultatem assistendi matrimoniis superflua foret delegatio de qua est sermo in Canon 1096, §1" (Cappello, *De Matrim.*, §674, ed. 1933).

In practice it is hard to believe that a decree of nullity could possibly be obtained in the circumstances of a case of this kind. Notwithstanding the grave reasons just mentioned, it is surely a *dubium* calling for the application of Canons 209 and 1014. But the attitude of a parish priest, who, in the absence of delegation granted to his curates by the Ordinary, neither grants nor withholds delegation himself, is not to be commended.

E. J. M.

ORIGINS OF THE CATECHISM.

Could you give some brief account of the origins of our "Penny" Catechism, or, if the matter is not considered of sufficient general interest, some indication of books dealing with the subject? (J. V.)

REPLY.

The history of a text, which is so widely used in teaching the young, appears to be of sufficient general interest, and some knowledge of it might, perhaps, help to soften the harsh criticisms of the book which are often heard.

The catechetical method of question and answer is deeply rooted in ecclesiastical tradition, and is preserved in the Baptismal Rite and in other liturgical functions as, for example, the consecration of Bishops. It is quite a false assumption that the Reformers were the first to make use of Catechisms. Cardinal Gasquet, in *The Old English Bible and Other Essays*, has shown that catechetical instruction was not neglected in the English mediæval Church, and the Catechism contained in the *Book of Common Prayer* is, in many respects, less complete than Cardinal Thorlesby's *Lay Folks Catechism* (1357). But I think

it must be admitted that the activities of the Reformers were indirectly responsible for the publication of Catholic Catechisms designed to counteract the heretical teachings of the new books. The *Catechism of the Council of Trent*, though in the form of question and answer, was rather an official manual for the clergy than a text for the laity, and the great work of S. Peter Canisius was similarly exhaustive, some of the answers occupying four or five pages. Many editions of Canisius, however, were abridged for the use of the young, and the work is of great importance, for its main division, under the headings of "Faith," "Hope" and "Charity," was retained by Bishop Challoner, in compiling the Catechism which is the parent of our present book.

Independent works, either original or in translation, were current in England during the early seventeenth century, and the most famous of them, also a remote parent of our Catechism, was the work of a Douay priest, Henry Turberville. It is entitled "*An Abridgement of Christian Doctrine*" and appeared first at Douay in 1649, followed by a summary for the use of children probably about 1688. Both of these books are mentioned in the *Rules of Standon School* (1753) as being used by the scholars and committed to memory in the morning during the combing of their hair: "The short abridgement of ye Christian Doctrine is indeed ye Catechism in use for children very young."

The connecting link between these earlier works and our present book is Bishop Challoner's Catechism, published first at St. Omer in 1772: *Abridgement of Christian Doctrine: Revised and Enlarged by R.C.* There is a copy of this rare text at Oscott and it is believed to be the only one known to exist. The gentle and saintly Bishop of the London District is always held in affectionate remembrance, for his courage and vigour, in one of the darkest periods of our Catholic history. Amongst the innumerable books, pamphlets and controversial works written by him, the Catechism is, at least, of equal importance with the *Garden of the Soul*, and Canon Burton devotes considerable space to it in his biography. The basis of his work was the Douay Catechism, the Canisian division under the theological virtues being retained. The "Daily Exercise" of the Douay book was kept and a new section added entitled "The Christian's Rule of Life." It remained in use unchanged for nearly seventy years until, in 1836, a new edition with some fresh questions added, was brought out by the authority of the Vicars Apostolic. A further revision took place in 1859, the work of a Commission appointed at the Third Provincial Council at Oscot, which included Ullathorne, Faber and Manning; the longer questions were divided and the whole arranged in a more intelligible order. In 1888 an edition was published by Burns & Oates, with the authority of the English Bishops, but it is not clear who the revisors were; the chief change, and a prominent one, consisted in making all the answers distinct categorical statements, a method which often

meant repeating *in extenso* the wording of the question. Later changes do not appear to have affected very substantially the substance of the text; they are concerned with necessary alterations in order to bring the work up to date with current legislation, and the occasional alteration of phrases.

The little book has, therefore, a venerable history and, quite apart from its intrinsic value, is a link with penal times which should not lightly be destroyed. A detailed account of its origins may be read in Canon Burton's *Life and Times of Bishop Challoner*, Vol. II, pp. 159-162. A much closer analysis of the subsequent editions was made by W. G. Twiney in *The Oscotian*, 1902, page 76. Apart from these two references I know of no other connected account of the subject, though doubtless some articles have been written in periodicals of recent years.

E. J. M.

CONFESSIONS OF SICK RELIGIOUS.

The junior assistant priest of this parish says Mass at a large convent of Nuns and takes Holy Communion to those who are sick in the Infirmary. May he, if requested by a nun to do so, *ad quietem conscientiae*, hear a confession in the Infirmary? (M. S.)

REPLY.

Canon 522 permits any religious "*ad suae conscientiae tranquillitatem*" to go to confession to any confessor approved for women's confessions by the Ordinary of the place, provided the confession is made in a church or semi-public oratory, or, according to the decision of the Codex Commission (A.A.S., XII, 1920, p. 575), "*in loco ad audiendas confessiones mulierum legitime destinato.*" The canon is bristling with obscurities, and in spite of the official interpretations, is difficult to understand perfectly. But it is quite clear that our correspondent's case is not covered by this particular canon. The infirmary is not included in the various places permitted for confessions "*ad quietem conscientiae.*"

If the penitent is in *periculo mortis*, any priest may hear her confession, even though he is not approved by the local Ordinary, or by any Ordinary. This well-known rule of Canon 882 certainly applies to nuns: they are included in "*quoslibet poenitentes,*" although Canon 876, which enumerates the exceptions to the law requiring specially approved confessors for nuns, makes no mention of *periculum mortis*.

But Canon 523 provides especially for sick nuns: "*Religiosae omnes cum graviter aegrotant, licet mortis periculum absit, quemlibet sacerdotem ad mulierum confessiones excipiendas approbatum, etsi non destinatum religionis, arcessere possunt eique, perdurante gravi infirmitate, quoties voluerint, confiteri, nec Antistita potest eas sive directe sive indirecte prohibere.*" The canon repeats, with the exception of the last few words, a

law of 1913, and it calls for very little comment. It is essential that the priest should be approved for women's confessions, whereas "in periculo mortis" this is not necessary. In this country, owing to the comparative scarcity of priests, approbation is not commonly restricted in any way, and faculties are usually given for the faithful "utriusque sexus."

From the nature of the case some doubt arises in determining the meaning of "cum graviter aegrotant." Some appear to be, perhaps, rather too exacting in estimating the meaning of "grave." A writer in *Jus Pontificium* states: "Si vero periculum mortis absit quidem actu, sed facile induci potest aut ratione qualitatis infirmitatis, aut ratione diuturni temporis ex quo aegrotus infirmitate jam detinetur, idem infirmus graviter aegrotare dicitur" (1933, p. 73). The generality of authors, whom I have consulted, require much less than this degree of gravity, in order to invoke the privilege of Canon 523, and the official English translation reads "seriously ill" which appears to be something less than the English "gravely ill." Creusen writes: "On peut considérer comme grave toute maladie qui, de sa nature ou à cause des circonstances spéciales, affaiblit considérablement les forces du malade" (*Religieux et Religieuses*, §96). A recent study of the subject, based on a wide reading of commentators concludes: "in genere dicere possumus aliquam religiosam graviter aegrotare, si infirmitate laborat quae eius saluti notabile detrimentum affert, v.g. si febris in lecto detinetur per aliquot dies, si operationem, licet non multo periculosum, subire debet vel debuit; non esset tamen, per se loquendo, infirmitas gravis, v.g. catarrhus, capitis dolor, etc. Attamen si aliqua religiosa existimatur graviter aegrotare et postea comperitur infirmitatem non esse revera gravem, nihilominus confessio sacerdoti ad normam Canon 523 forsitan peracta, fuit valida et licita" (Sobradillo, *De Religiosarum Confessariis*, p. 232). A generous and liberal interpretation commends itself as being in accordance with the mind of the legislator, for all the recent legislation has been in the direction of facilitating the choice of confessor on the part of nuns. If it is doubtful whether the illness is sufficiently grave, jurisdiction is supplied from Canon 209. Superiors who place obstacles in the way of a subject wishing to use the privileges of this canon are liable to punishment as stated in Canon 2414.

Assuming, therefore, that the junior priest is approved for the confessions of women, he has merely to form a judgment on the "gravity" of the illness before consenting to hear confessions in the circumstances, and there is no need to consider at all the clause "ad conscientiae tranquillitatem" which is not found in this canon.

E. J. M.

DISPARITAS CULTUS AND IMPLIED DISPENSATION.

It was held before the Code that a dispensation from "disparitas cultus" was to be understood as including a dispensation

from any other impediment affecting the non-Christian party. Some authors since the Code continue to teach this doctrine, others hold that it can no longer be defended. In days when numbers of people are not baptized, the matter is of some consequence, and it would be useful to know whether the pre-Code interpretation is still tenable. (C. J.)

REPLY.

The pre-Code law rested upon an instruction of the Holy Office, September 16th, 1824, ad. 2 "... impedimentum affinitatis, praesertim ex copula illicita, ut in casu, cum non habeatur ut juris divini, aut naturalis, sed tantum ecclesiastici, infideles ex mente Ecclesiae non afficit, quia Ecclesiae non subditos: et Ecclesia dispensando cum parte Catholica super disparitate cultus ut cum infideli contrahat, dispensare intelligitur ab iis etiam impedimentis a quibus exempta est pars infidelis, ut inde huius exemptio, propter contractus individuitatem, communicata remaneat et alteri" (Gasparri, *Fontes*, IV, n. 866, page 148). The dispensation did not include "any other impediment," for obviously the non-Christian party is held by the impediments of the natural law; moreover, it included only those ecclesiastical impediments directly affecting the non-baptized party, and not those directly affecting the Christian, for example, solemn vow or Orders.

By many authors writing after the Code, as De Smet in *De Matrimonio*, §591, this law was reckoned to be abrogated, because it was not mentioned in the Code, whereas other analogous examples of "implied" dispensations were mentioned, as in Canons 1051 and 1053. Other writers of equal authority, as Wernz-Vidal in *Jus Canonicum*, Vol. V, §274, considered that the law was still in force "Cum illa dispositio pertineat ad stilum Curiae etiam jure Codicis attendendum (Canon 20), donec S. Sedes aliud statuatur etiam nunc videtur valere modo ac antea intellectum." A similar interpretation was given by Prümmer, *Theologia Moralis*, ed. 1923, Vol. III, §825, and by other authors of repute, and their opinion was at least probable.

On May 20th, 1931, the Holy Office, through Propaganda, sent a reply to a missionary Prefect Apostolic, which negated the interpretation of 1824: "Sancta Sedes, dispensando super impedimento disparitatis cultus, non intelligitur dispensare ab impedimentis, a quibus exempta est pars acatholica." This decision was not published in the *Acta Apostolicae Sedis*, but it is an authentic interpretation of the existing law of Canon 1036, §3, rather than a new one, and does not strictly require official publication. At the same time it is a matter of some surprise that an interpretation of such importance is not mentioned in the official publication of the Holy See. It is given in journals such as *Periodica*, 1932, page 16, and *Jus Pontificium*, 1933, page 109.

E. J. M.

BEQUESTS FOR MASSES.

A priest living in England has been left £100 for Masses in a Will. When he receives the bequest he finds that ten per cent. has been deducted by the Finance Department of the State in which the Testator lived. What are the obligations of the beneficiary? (L.)

REPLY.

I cannot find this point discussed by any author, but the beneficiary may with a good conscience, in my opinion, regard the donation as £90 and say the Masses according to the diocesan stipend. If the testator wished otherwise he should have left the sum of £100 free of duty

E. J. M.

ROMAN DOCUMENTS

BY THE REV. A. BENTLEY, Ph.D., M.A.

REPETITION OF THE JUBILEE INDULGENCE.

None of the works requisite for gaining the Jubilee a second time, declared the Holy Father in a response to the Major Cardinal Penitentiary, may be begun until the works demanded for the first acquisition of the Jubilee have been completed (A.A.S., XXV, p. 343). Pilgrims are not permitted, for instance, to make six visits to each of the four Roman Basilicas in turn, in the belief that two Jubilee indulgences may be gained concurrently.

INDULGENCES ATTACHED TO SIX PATERS, AVES AND GLORIAS.

Attention has been called recently to the extraordinary indulgences attributed, in certain printed "Collections," to the recitation of six Paters, Aves and Glorias, even outside the times and places mentioned in general decrees. They are alleged to include all the indulgences of the Seven Basilicas and of the Stations in Rome, the Portiuncula indulgence and the indulgences of Jerusalem and St. James of Compostella.

To regulate what now appears to be a somewhat prodigal use of the Church's treasures, the Holy Father, by decree of the Sacred Penitentiary, dated April 22nd, 1933, has abrogated all such concessions. In their place, an indulgence of ten years may in future be gained *toties quoties* by members of the privileged associations who recite six Paters, Aves and Glorias for the Pope's intention, i.e., for peace in men's souls, due liberty of the Church everywhere, harmony and true prosperity of all peoples. A Plenary Indulgence may be gained once a month on the usual conditions of confession, communion and a visit to a church by those who recite the same prayers daily throughout the month (A.A.S., XXV, p. 254).

Commenting on the decree, the *Ephemerides Liturgicae* (1933, p. 383) instances some of the Collections to which allusion is made; viz., the Statutes or Summaries of Franciscan privileges (approved in 1841), Salesian privileges (1904), Capuchin privileges (1905), privileges accorded to wearers of the Blue Scapular in honour of the Immaculate Conception (1882) and to wearers of the Miraculous Medal (1909).

It may be useful, also, to point out that the decree does not revoke the *toties quoties* Plenary Indulgences universally attached to the recitation of these prayers on certain days, e.g., in visiting Franciscan churches on the feast of Portiuncula, Jesuit churches on the feast of St. Ignatius, Vincentian churches on the feast of St. Vincent of Paul, or any church on the

Commemoration of All Souls. For such indulgences, moreover, membership of a privileged sodality is not required.

THE FORTY HOURS' DEVOTION.

In June we recorded the grant of a Plenary Indulgence on the usual conditions for all who make a "Holy Hour" before the Blessed Sacrament. The same indulgence is now extended to all who merely recite six Paters, Aves and Glorias before the Blessed Sacrament exposed for the "Forty Hours' Devotion."

This latest decree of the Sacred Penitentiary, dated July 24th, 1933, confirms all previous Quarant' Ore privileges and extensions which do not conflict with the present. It further recalls that Pope Pius X authorized local Ordinaries to dispense from certain prescriptions of the Clementine Instruction, e.g., from continuing exposition through the night (A.A.S., VI, 1914, p. 74). Henceforth, whether the form of exposition is strictly Clementine or modified by the Bishop's authority, all who, after confessing their sins and receiving Holy Communion, visit the Blessed Sacrament during the Forty Hours, and recite a Pater, Ave and Gloria five times, and once also for the Pope's intention, may gain a Plenary Indulgence once on each day. Alternatively, a *toties quoties* indulgence of fifteen years may be gained for each visit at which the same prayers are said with a contrite heart (A.A.S., XXV, p. 381).

NOTE.—The new decree appeared in the *Acta* of September 1st, too late for consideration in the special article on "Quarant' Ore" in last month's CLERGY REVIEW.

THE GERMAN CLERGY AND THE CONCORDAT.

On July 29th, the *Osservatore Romano* took occasion to correct a widespread misapprehension, which is reflected also in our own Press. Article 32 of the German Concordat forbids ecclesiastics and Religious to join any political party or to act in support of a political party. But, in forbidding party activities, it does not forbid non-party action. There is nothing, for instance, to prevent a priest entering the Reichstag as an Independent.

A PRELATE'S COLOR VIOLACEUS.

The Sacred Ceremonial Congregation on June 24th issued a decree which aims at securing everywhere a true violet colour for the silk and woollen robes of Cardinals, Bishops, Prelates and Papal Chamberlains. The decree announces that an illustrative card and sample will be sent, to anyone whom it concerns, on application to the Secretariat of the Consistorial Congregation (A.A.S., XXV, p. 341).

BOOK REVIEWS

One Thing I Know. By A. J. Russell. (Hodder & Stoughton. pp. xii, 412. 5s. net.)

Mr. Russell is a practical journalist of the newer school, master of every trick and stunt of the popular press, so the Group Movement is fortunate in having him for its highly efficient publicity agent. *For Sinners Only* has had sales amounting to 117,000 and *One Thing I Know* ought to rival it. Both titles are triumphs of journalism. But also Mr. Russell is fortunate in having found the Movement, for it enabled him both to liberate his genius for publicity and yet also to satisfy his hunger of soul. For this very frank autobiography stresses a hunger of soul throughout the exciting Fleet Street years, that was only satisfied when its author found religion through his journalistic contacts with the trial and execution of Patrick Mahon, the Crumbles murderer, whom and whose career he had already known for some years. The experience brought him up against eternity, up against God, to such effect that he was moved not only to re-orientate his own life, but to devote it wholly to missionary propaganda among his fellow-men.

He found his medium in the Group Movement, because it was there ready for him. Frankly there is nothing really new in it, as the present writer can testify, who as a boy had inside experience of the Moody and Sankey missions, of the South Wales and the Keswick Convention systems of revival, and later of the Albert Hall missions of "Father Ignatius" of Llanthony. Of the two features of the Group Movement that have attracted most public attention, the "Sharing," or public confession of sin (which is not confession to obtain pardon at all, but proclamation of experiences of forgiven sin as a form of "testimony" and of missionary propaganda), and "Guidance," or belief in the power to get from God direct hour-by-hour inspiration even for the most trivial issues of every-day life, are common features in fervent evangelical revivals.

But they are accidentals; the common and essential feature of the revivals is "conversion," the awakening of the soul to God, the acceptance of Christ Crucified as Saviour and the consequent dedication of the whole life to Him. This is the essential theme of Mr. Russell's book and one would plead that it be read from this point of view and that Catholic readers allow not themselves to be put off by what grates and repels—of which there is abundance. Few things grate more than the chapter which Mr. Russell devotes to a lengthy interview which Fr. Woodlock gave him, for the eminent Jesuit perforce appears as a new and interesting addition to the enterprising journalist's menagerie—the last paragraph sounds particularly ill in Catholic ears. Yet the chapter is extremely valuable, for Fr. Woodlock, while firmly but gently pointing out the pitfalls in the Group

Movement, stresses the vital significance of its central fact, the "evangelical experience," and puts it in its right setting. At least Mr. Russell's book performs one great service: it gives in these pages to the tens of thousands of non-Catholics who will read it an authoritative and attractive presentation of the Catholic position. D.

Les Normes de l'Enseignement Chrétien, dans la littérature patristique des trois premiers siècles, par le R. P. Damien Van Den Eynde, O.F.M. (Paris, Gabalda. pp. xxviii., 360. 50 fr.)

For many years the ablest of our opponents have admitted that the Church of St. Cyril of Alexandria and of St. Augustine was the direct forerunner of the present Catholic Church. They attack us now from further back. They have taken refuge in the somewhat obscure history of the primitive Church, where the broken going and the fewer landmarks enable them to create false traces. And they do create them with consummate cunning. They manipulate and mutilate Scripture and the other early documents; they have a perverse flair for parallels between Catholic Christianity and pagan religious and political conceptions; they slow down the march of time and speed up the movements of thought at their pleasure. So they hope to break the Church from her moorings, to prove that even though she is patristic, she is not apostolic. To their mind, Christ's teaching was simple and undogmatic; His idea of organization for His followers of the loosest, embracing, in fact, nothing more than a community of goods and manner of life under the superintendence of the older members of the body and under the manifest guidance of the Spirit. Dogma fixed in Creeds, mysteries whether doctrinal or ritual, world-wide, quasi-political organization—these are adulterations of the primitive revelation, due to the malign influence of Gnosticism, Montanism and Marcionism, and the Roman imperial ideal.

The present work furnishes us with the data for testing the worthlessness of this hypothesis. The author has not written directly to combat Harnack or anyone else; he eschews polemics. He merely traces the norms of primitive Christian teaching; and by norms he means all those things—Divine revelation, Scripture, apostolic tradition, the teaching of the churches and of individual doctors, the Creeds—which served, in varying measure, to fix dogma, morals, discipline and worship during the first three centuries. He divides his work into two parts, the first covering the period up to A.D. 180; the second carrying the evidence to A.D. 300. In the first part he shows that apostolic tradition was always the dominant standard of doctrine, a living tradition carried on by a hierarchic Church; and he proves the same truth for the subsequent period in his second part. St. Irenaeus and his contemporaries were not revolutionaries in theology, naturalizing in the matter of doctrine and organization conceptions alien to the ancient spirit of the Church; they were merely enlightened traditionalists, who gave to the primitive

faith the clarification and development that was needed to meet the philosophic inquiry and the heterodox theology of their time.

Fr. Van Den Eynde is a new-comer in the theological arena. His book is a thesis for his doctorate. His careful work, discrimination and extensive knowledge foreshadow in him a powerful champion of orthodoxy.

J. CARTMELL.

Doctrine for the Juniors. A Teacher's Aid-book with Children of pre-Catechism age. By the Rev. F. H. Drinkwater. (Burns Oates & Washbourne, Ltd. 1s. 6d.)

Without committing ourselves to the implications of the sub-title, we give this booklet a hearty welcome. It is of equal merit with its predecessors in the "Sower Scheme" Books. The ground covered in the brief explanations is very extensive, including the Our Father, the Apostles' Creed, the Sacraments and Sacramentals, Prayers in common use, the Feasts and Seasons of the year, the Actions of the Mass, Hints on Confession and Communion, Narrative of Our Lord's life, and Interior Prayer. The purpose of the book and its companion volumes in the series is to make religious study attractive and practical to the children. It is, therefore, intended that all the faculties of the children and not merely their ears should be exercised in the acquisition of knowledge: their eyes, by pictures and drawings; their desire for activity, by dramatization, the making of booklets, the careful inculcation of correct religious deportment; their love of narrative by a frequent use of stories in explanation and illustration of doctrine. In this way, you apply the best modern methods of education to the supremely important task of grounding the children in their religion.

There is just one small point to criticize. On page 23, the author explains the "Word of God" by saying: "It means the Thought in God's Mind: that is what God the Son is—the Thought that God was thinking for all eternity—thinking that one day He would create the world and become man." This is misleading because it leaves out the primary and essential object of God's Thought, God's conception of Himself.

J. C.

A Son of Saint Patrick. Memoir of Fr. Michael Bergin, S.J. By Sister S. (The Talbot Press, Ltd., Dublin and Cork. 3s. 6d. net.)

This is the interesting story, based mainly on his simple, unstudied letters, of a typical Irish Jesuit, who (to quote Fr. Gannon's Foreword) "was just a zealous religious who practised in a very unobtrusive way the difficult art of self-conquest, and thus prepared himself for facing the ordeal of the Great War with the certainty of playing a man's part in it, and, if needs be, of dying a brave man's death." Fr. Bergin was educated in Ireland, Syria and England. He was ordained in 1910, and three years later was sent as a missionary to Damascus. On the outbreak of the War, he was made a prisoner by the Turks,

but was soon released, with other religious prisoners, at the instance of the Holy Father, and sent to Cairo. He became Chaplain to the Australians, first in Gallipoli and then in France. He was killed near Zonnebeke on October 11th, 1917. J. C.

The German Life of St. Albert the Great, by Fr. Hieronymus Wilms, O.P., has been translated by Fr. Adrian English, O.P., B.Sc., and Philip Hereford.¹ The book is a vindication of the Saint's special title to "greatness." It discusses in successive chapters his Exterior Greatness, his Interior Greatness, his Spiritual Greatness, and his Universal Greatness. According to this division it tells of his life as student, lecturer, religious superior, and bishop; of his eminence in natural science, philosophy and theology; of his magnanimity, his devotion to the Blessed Sacrament and to the Blessed Virgin; and of the history of the cultus down to his canonization. Fr. Vincent McNabb contributes a Foreword. T. E. F.

Some Practical Notes for Catholics Visiting Rome. By Rev. H. A. C. Connell, M.A. (Societa Editrice di Novissima, Rome, 1933.)

This little book is intended to fill the gaps left in most guide-books by providing information concerning the devotional life of the Church in Rome. It should be very useful to those visitors to Rome who wonder, for example, where Confessions are heard in English, at what time they can hear Mass on Sundays or weekdays, in what churches and on what days special functions are held, what they must do to gain admittance to Papal functions, and so on. The book, though published in Italy (at 6 lire), may be obtained in England from B. F. Laslett & Co., 4, Fulham Road, South Kensington, and from all Catholic booksellers at 2s. G. D. S.

Catholic Church Music, The Legislation of Pius X, Benedict XV and Pius XI. (pp. 44. Burns Oates & Washbourne. 6d.)

The title speaks for itself. From the *Motu Proprio* of 1903 to the Apostolic Constitution of 1928 we have a body of clear and consistent legislation, which, taken in its plain sense, and neither narrowed nor stretched in interpretation, makes perfectly clear the lines upon which the church musician should rule his activities. Excellently printed on good paper, this reprint is very cheap at sixpence. D.

¹ *Albert the Great, Saint and Doctor of the Church*, by Hieronymus Wilms, O.P. English Version with Additional Notes and Appendices and many Illustrations. Burns Oates and Washbourne. 15s.

THE CHURCH AT HOME AND ABROAD

CENTRAL EUROPE.

BY C. F. MELVILLE.

1. Austria.

Last month Austria commemorated the deliverance of Vienna from the Turks in the seventeenth century and at the same time held a great German Catholic Congress. The moment of the Catholic Congress was chosen to coincide with the national commemoration. In 1683 a Prince Starhemberg had defended Vienna against the Turks. To-day the present Prince Starhemberg, the Heimwehr leader, and a descendant of the historic defender of Vienna, stands behind Dr. Dollfuss, the Austrian Chancellor, in resisting attacks of Nazi Germany. Thus the stage was set—with a symbolical merging of the national commemoration in the religious celebration—for Dr. Dollfuss to make his *pronunciamento* on his Government's plan for the future of Austria. This fusion of the National spirit with the religious tradition provides the key to the real policy of Dr. Dollfuss for the reconstruction of Austria.

Dr. Dollfuss announced the working out of a new Constitution which would include the inception of a Corporative State for Austria. Economically it will resemble to a great extent the Fascist Corporative State of Signor Mussolini. Its spirit will derive from the interpretation of Pope Pius XI, in his Encyclical of May, 1933, *Quadragesimo Anno*, in which the principle of private ownership is acknowledged, but the right of the State to intervene "for the common good" is also admitted. Liberal parliamentarism is to disappear for good: industrial disputes prevented by the substitution of co-operation for the existing trades unions and employers' federations; and all political parties are eventually to be suppressed. The provincial Diets, probably in a modified form, will play an important rôle in the new State. Above all, the Austrian Corporative State will be integrally and essentially a "Catholic State."

Dr. Dollfuss's main difficulty will be in finding a way to satisfy the Fascist desires of his Right Wing supporters and colleagues without going to Fascist extremes. His main task will be to unite permanently in supporting all those various elements which are at once opposed to Hitlerism and to Socialism, and to mould the divers programmes of these various elements to the conception of the Catholic Corporative State.

The new régime, in Dr. Dollfuss's own words, will be authoritarian but not tyrannical. He has promised that there will be "no *gleichshaltung* and no terrorism." Dr. Dollfuss

is quite sincere in these protestations. It will, of course, remain to be seen whether he will be able to preserve all these promises intact against the growing pressure of his Right Wing colleagues for stronger measures against the Left and the equally growing tactical need to steal more and more of the Hitlerian thunder in order to be able to offer "Austrian" Clerical dynamics as a counter-attraction to German Nazi dynamics.

But the essential key to the Dollfuss programme, the internal changes his Government is making, and the foreign policy it is pursuing, especially in regard to Nazi Germany, is to be sought, as I have said, in the historic combination of a renascent national spirit with the historic Catholic tradition. In making his *pronunciamento* Dr. Dollfuss invoked the name of the late Mgr. Seipel, the famous Priest-Chancellor, who put Austria on her feet again after the War. In essence, Dr. Dollfuss's policy—both internal and external—is the legacy of Mgr. Seipel. To understand this is to understand much else besides. For Mgr. Seipel was a man of long views. What Dollfuss is trying to carry out to-day, Seipel conceived yesterday.

Mgr. Seipel stood for the idea of Austria as a "second German State," a *Kulturträger* between the peoples of the West and the East in Central Europe. He did not entirely close the door to the idea of an Anschluss with Germany, but in his heart he was opposed to it. His guiding principle was in his famous phrase: "*Die Interessen Oesterreichs gehen Donau abwärts und nicht Donau aufwärts*" ("the interests of Austria go down the Danube, and not up it"). In any case union with a Germany which is not a federal State was completely ruled out of his conceptions. Both in regard to this essential point of foreign policy—the preservation of Austrian independence—and in regard to the internal programme of a Catholic Corporative State Dr. Dollfuss is the recipient of the legacy of Mgr. Seipel. For the preservation of Austrian independence was the active foreign policy of Mgr. Seipel, and the idea of the Catholic Corporative State was at least dreamed by him even if during life he had not considered the time ripe for it in fact. Mgr. Seipel was not undemocratic, but he considered that Austria was not naturally adapted to Liberal parliamentarism in the British or French sense. He felt that a new kind of democracy, closer to Austrian tradition, was required, and that one day a man would have to come to the front in Austria who could make the necessary change. Is Dr. Dollfuss that man? Very probably he is, but only time will show.

Undoubtedly, Nazi propaganda, both local and German, has made considerable headway in Austria, especially amongst the younger generation, for the student youth is of a generation with little or nothing of the Austrian tradition, and has turned to German nationalism. Likewise the bad economic situation, intensified by the actions of Nazi Germany in cutting off the flow of German tourists to the Austrian Tyrol, has resulted in turning large numbers of people in the Tyrol and in Styria

away from Dollfuss and in favour of Hitler. On the other hand, the signs of coming economic depression in the Reich this winter, and the gradual improvement of the Austrian trade balance, together with the growing Austrian resentment against the bullying methods of Berlin, should do a great deal to counteract the Nazi influence. Undoubtedly, Dr. Dollfuss's position is now stronger.

2. Germany.

The Concordat between the Vatican and Germany has been ratified. There was a slight delay which gave rise to rumours, subsequently proved to have been unfounded, that the Pope was going to delay ratification for some months as he was displeased with certain aspects of Nazi policy. Actually the delay was only of about two or three days' duration. As to whether in that short space of time the Holy See urged moderation on Berlin, especially in regard to the German-Austrian situation, it is impossible to say. But it is not irrelevant to remark that during the Austrian Catholic celebrations in Vienna last month, celebrations not without their political significance, the Nazis refrained from anti-Austrian demonstrations. Some observers trace the hand of the Vatican in this. Others attribute it to the desire of Berlin not to outrage South German Catholic sentiment.

On the whole, the text of the Concordat is much the same as that of other Concordats. But special interest attaches to Articles 21 and 32. The former enjoins the teaching of pupils in a way which will cause them to practice their political, civil and social duties in the spirit and doctrine of Catholic morality. The latter prohibits the participation of the clergy in political activity. The former has a special interest in view of the special character of the Hitlerist totalitarian State. The latter has a special interest inasmuch as it spelt *finis* to political clericalism in Germany. In this connection it is apposite to recall the words of Herr von Papen, the Vice-Chancellor, when he was negotiating at the Vatican: "The glorious German State will not bargain with the ecclesiastical body in anything which touches the spiritual domain." In a word: the activities of the Church will not be interfered with in anything which comes within the spiritual sphere, but the clergy must not play a political rôle.

3. Yugoslavia.

These aspects of the Concordat with Germany have not, it seems, passed unnoticed in Yugoslavia where negotiations for a Concordat are now about to begin. M. Charles Loiseau, writing in *L'Echo de Belgrade*, states: "One could think of other States, not yet with Concordats, which could better accommodate themselves to this formula . . . the task of the (Yugoslav) negotiators should be easier, for they could borrow practically without alteration from articles 21 and 32 of the

German Concordat the formulæ for putting forth the conditions for regulating the ecclesiastical position and the activities of the clergy in the Yugoslav Kingdom."

This undoubtedly is meant to suggest that if the Vatican has agreed to the abolition of political clericalism in Germany, it might well do likewise with regard to political clericalism in Jugoslava.

This is, of course, a complicated question. Political clericalism in Jugoslavia has, on the whole, had a very beneficial influence on the people. On the other hand, much trouble has been caused by a confusion between the activities of the Church as such, and the political party activities of some of the Catholic clergy. Foreign opinion, and especially British opinion, has frequently gone astray on this point. The worst confusion has been the association in the foreign mind of the Serbo-Croat political differences with questions of religion. I think it might be said accurately that the Vatican, whilst fully alive to the good work which has been done by, say, the Slovene Clerical Party, would be more interested in a Concordat which would regulate satisfactorily the relations of the Church with the State than in the particularized political party aspirations of the clericals in Jugoslavia.

Senator Banjanin, speaking of the Concordat, asked in the Yugoslav Parliament recently—*à propos* a declaration by the Pope to Mgr. Bauer, Archbishop of Zagreb—if the Pope spoke as supreme head of the Catholic Church or as Sovereign of the Vatican State? In this connection the *Katolicki List*, the organ of the Archbishop, in a statement regarded as being inspired, expressed the following view: that the Pope spoke as the supreme head of the Catholic Church, and that in speaking of "liberation" the Pope was not alluding to politics but to a "mystical liberation." The liberation of the entire world, which the Pope meant, the journal continues, must be a liberation in the spirit of the Holy Year and the Redemption of Christ. It is the liberation from sin, from the spirit of injustice, from the social miseries. If the word "liberation" in this sense refers to the entire world, it is clear that it must be taken in this sense where referring to Croatia.

The *Katolicki List* protests that the Vatican is not in any way trying to interfere in the internal political affairs of Jugoslavia. *L'Echo de Belgrade*, commenting on this, says that it has on previous occasions underlined the fact that the declarations of the Pope are of an exclusively spiritual nature, and condemns the attempts of enemies of Jugoslavia to try and embroil Yugoslav Catholics in an unhappy debate between Religion and Patriotism.

REVIEW OF REVIEWS

THOUGHT for September contains a study of *The Priest according to the Order of Melchisedech*, by Rev. W. J. McGarry, S.J., in which he shows that all priests sharing in the priesthood of Christ partake of that perennially intercessory priesthood. They stand in the place of Christ and offer sacrifice in His Name and person, and, as they grow in grace, they learn to appreciate the beauty of being one with the great High Priest of all men, even though they may understand their privilege only in a human fumbling way. It is an excellent article which, in a periodical designed for the laity, will do much to clarify their understanding of the priesthood and increase their veneration for those who are called to this office. Rev. Timothy Corcoran, S.J., writes in the same number on *Popular Education in Protestant England*, contrasting the position of these later times with the spacious days of the Middle Ages, as gathered from such works as Dr. R. B. Hepple's *Medieval Education in England*. The legend that Edward VI was the first to promote the education of the masses dies hard in England, and our costly modern efforts are little more than an attempt to recover the lost heritage of Catholic times. Amongst other notable contributions is a study by Rev. Adhémar d'Alès, S.J., on *Vladimir Soloviev*: in the present dark state of Russia, a prey to irreligion, and delivered over to evil leaders, the memory of this just man shines like a beacon. James F. Kenny, Ph.D., continues his study of *St. Patrick and the Patrick Legend*.

Fr. Herbert Thurston, S.J., in the September MONTH concludes an interesting account of *A Little Known Stigmatica*, Mother Dominica Clara Moes of Luxembourg. Prompted, no doubt, by the Konnersreuth episode, Fr. Thurston has written very widely on Stigmatization during the last few months, and his cautious conclusions should be studied before giving a too willing credence to any alleged supernatural phenomena. People of a certain temperament are apt to have visions coloured by local traditions and by the thought of those with whom they are brought in contact. Nor should it be overlooked that spiritual, and possibly diabolic, agencies may intervene in such cases. No doubt whatever is cast upon the sanctity of the good souls who are the passive instruments of forces, the nature of which is not fully understood, but it is worth noting that there are a number of great saints who, not being psychically sensitive in this way, have experienced no unusual visitations throughout the whole of their lives. In addition to his editorial comments, which are always *ad rem*, the Editor, in an article entitled *How To Tell a Christian*, pleads for the exercise of the *spiritual* works of mercy as a proof of our genuine Catholicity, particularly

the instruction of the ignorant based on a thorough understanding of the ethical and social doctrine of the Church.

In the IRISH ECCLESIASTICAL RECORD for August Rev. F. R. Hoare presents the arguments for the *traditional view of the North- and South-Galatian Question*, thus completing his discussion of Pauline biography in previous issues of the journal. We are still free to hold to the traditional view, in spite of the popularity of the South-Galatian theory, without any disloyalty to modern learning, if our reading of St. Paul's life, taken as a whole, makes it natural for us to do so. A further series of scriptural articles, entitled *Stock Objections to St. John's Gospel*, is continued by Rev. J. Donovan, S.J., who writes about *Heraclion as a Witness to St. John's early Martyrdom*.

BLACKFRIARS for September contains the usual number of shortish contributions, each of which may be described as *multum in parvo*. There are some valuable suggestions by M. S. Bousfield on the advantages of studying Catholic problems and doctrines in groups, together with a rough draft of "Outlines" for a study of the Mass and Redemption in the writings of Fr. M. C. d'Arcy, S.J. Mr. Tancred Borenius has an interesting account of Rome in the writings of Cardinal Wiseman, and things spiritual are represented by Miss Margaret Trouncer's vivid appreciation of *The Carmelite nun, Louise Duchesse de la Vallière*.

The cause of education is well to the fore in the September HOMILETIC AND PASTORAL REVIEW. Rev. R. G. Bendas, Ph.D., in a well-documented contribution, presents John Gerson as a Catechist, and Rev. P. E. Campbell discusses the "Platoon School" in America; it is a scheme, known also as the "Gary Plan," which appears to have worked well in many parts of the country, in utilizing to the full the organization and buildings of existing schools, securing efficiency as well as reduction in the cost of maintenance.

The quarterly REVUE D'ASCETIQUE ET DE MYSTIQUE (n. 55) publishes a chapter from the forthcoming work on St. John Chrysostom as a master of the spiritual life by Louis Meyer. It deals with the connection between the solitary life and spiritual perfection, and indicates the difference between the concepts of St. Basil and St. John Chrysostom. St. Basil's ideal was always purely contemplative, but St. John Chrysostom proposed a more active rôle for his monks, once they were well schooled in detachment from earthly things; he urged the priesthood upon them and a life spent in apostolic charity in the care of souls. It would thus appear that, in certain circumstances at least, the most perfect life is a union between the contemplative and the active—the doctrine of S. Gregory the Great and St. Thomas, familiarized for us in Abbot Butler's *Western Mysticism*. Another important study in the same number of this journal elucidates the meaning of the "spiritual senses" in the teaching of St. Bonaventure.

APOLLINARIS, 1933, n. 2, contains a study by Maroto on the canonical problems arising in territories containing Catholics of diverse rites, happily a matter which does not worry us very much in this country. Roberti's article in the same number on Prescription, as applied to ecclesiastical penalties, though brief, is admirably clear and takes account of the historical evolution of the question. The historical side has been rather neglected by canonists in the past, but writers since the appearance of the Code are making good the defect. This is particularly true of the contributors to *JUS PONTIFICIUM* which includes in every number at least one original work of research. It is a pity, perhaps, that so much space is given in both these journals to reprinting documents which can easily be consulted in *ACTA APOSTOLICAE SEDIS*. The commentaries on official documents are of the greatest value and, no doubt, the editors judge that the interests of readers are best served by including the text of each document discussed. *IL DIRITTO ECCLESIASTICO*, a bi-monthly publication, is less well known than either of these two. It is devoted chiefly to the relations between the civil and ecclesiastical law in Italy and, since the Concordat with the Holy See, the contributors have been kept very busy. Matrimonial legislation occupies the chief place and the most recent number (n. 5 and 6) deals, amongst other things, with the Pauline Privilege.

The useful and always interesting *COLLATIONES BRUGENSES* concludes, in n. 4 of this year, a series of studies on Censures, their reservation and absolution, by the eminent canonist Dr. J. Brys. More accurate and authoritative information may be gathered from these articles than from many larger and more complex works on this tangled subject.

In the August *REVUE APOLOGETIQUE*, Dr. E. Dumoutet traces the practice of reservation of the Blessed Sacrament in the Church, from the earliest times to the introduction of tabernacles in the fifteenth century, which custom, owing to the security it offered, and the facility of access obtained, gradually prevailed throughout Christendom.

E. J. M.

